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THE UNIVERSITY OF ALBERTA

"Poor Man's King": The Reputation versus Reality of James V, King of Scotland

by

(C)

Margaret Helen McIntyre

A THESIS

SUBMITTED TO THE FACULTY OF GRADUATE STUDIES AND RESEARCH

IN PARTIAL FULFILMENT OF THE REQUIREMENTS FOR THE DEGREE

OF Master of Arts

Department of History

EDMONTON, ALBERTA

Spring 1987

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Abstract

The reign of James V has long been overshadowed by those of his father and daughter yet he was one of the strongest and most powerful of the Stewart kings. Because governmental institutions in sixteenth-century Scotland were not as highly developed as their European counterparts, the success of a king's reign depended upon the degree of cooperation which existed between the monarch and his magnates. The traditional view, expounded in virtually every historical account of James V's reign beginning with that of the sixteenth-century historian George Buchanan, up to and including that of Gordon Donaldson, concludes that James V alienated his nobles to such an extent that their hatred of him led to a refusal to fight the English at the battle of Solway Moss.

The governmental legislation of James V has received very little attention as a reflection of his abilities as a king. When the parliamentary statutes and council ordinances which were passed during the fourteen years of his personal rule are studied in detail, it becomes apparent that James V's social policy consistently strove towards strengthening the crown financially. He was an acquisitive king but this trait did not make him unpopular. On the contrary, he was a strong and determined monarch who, with the support of his magnates, consolidated royal authority, rebuilt dilapidated crown finances and financially exploited the papacy.

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Note on Style

In giving dates, the Julian calendar has been used, with the year beginning at 1 January. In quotations, the original spelling has been maintained. Throughout, in the use of upper and lower case, the system of the Cambridge University Press has been followed, save in the matter of quotations.

I. Introduction

The reign of James V has long been overshadowed by those of his father and daughter yet he was one of the strongest and most powerful of the Stewart kings. Because governmental institutions in sixteenth-century Scotland were not as highly developed as their European counterparts, the success of a king's reign depended upon the degree of cooperation which existed between the monarch and his magnates. The traditional view, expounded in virtually every historical account of James V's reign beginning with that of the sixteenth-century historian George Buchanan, up to and including that of Gordon Donaldson, concludes that James V alienated his nobles to such an extent that their hatred of him led to a refusal to fight the English at the battle of Solway Moss.

Only very recently has this attitude changed. Jenny Wormald, in *Court, Kirk and Community*, acknowledges the strength and success of James V, and the entire New History of Scotland series is a welcome departure from previous historiography which continually dwelt upon a struggle for power between the crown and its unruly, ambitious magnates. Parliamentary statutes and council ordinances passed during James V's personal rule' indicate that he was a strong and

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'Although he was 'erected' in 1524 and again in 1526 with the symbols of sovereignty, in which royal authority was supposedly in his own hands, James V did not, in fact, begin his independent political career as king of Scotland until he escaped from the Douglases in May 1528. Throughout this thesis, therefore, 'personal rule' is used to describe the period during which James V was the sole authority in Scotland; that is, from May 1528 until his death in December

determined monarch who, with the support of his magnates, consolidated royal authority, rebuilt dilapidated crown finances and financially exploited the papacy. This thesis is an evaluation of James V's personal reign based upon evidence found in contemporary 'official' records with particular emphasis upon legislation from the *Acts of the Parliament of Scotland* and the *Acts of the Lords of Council in Public Affairs*.

The reign itself can be given in brief outline. The son of James IV and Margaret Tudor, eldest daughter of Henry VII of England, James V was born at Linlithgow on April 10, 1512 and succeeded to the Scottish throne upon his father's death after the battle of Flodden in September 1513. Until 1528 the country was governed sporadically by the leaders of various factions, the most important of whom was Archibald Douglas, sixth earl of Angus, who held the young king prisoner for two years, an episode which James was never to forget nor forgive. At the age of seventeen James V escaped from the Douglases in May 1528 and effectively began his personal rule.

For the next fourteen years much time and energy was spent in restoring royal revenue and re-establishing law and order. Adhering to tradition, James maintained a close alliance with France by marrying Francis I's daughter Madeleine in 1537 and, after her death, Mary of Guise. Relations with England began to deteriorate from 1541 and

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'(cont'd) 1542.

when James failed to appear at York for a personal meeting with his uncle, Henry VIII, the English king unleashed his wrath and dispatched troops to the Scottish border. The situation went from bad to worse, resulting in a Scottish defeat at Solway Moss[1] on November 24, 1542. James fell ill the week following the battle and died, aged thirty, at Falkland, on December 14, 1542, seven days after the birth of his daughter Mary.

The reign of James V has caused little controversy in historical accounts of the period due to the fact that most, if not all, of the historians who have written about his reign have generally reached the same conclusions. From the sixteenth up to, and including, the twentieth century a traditional viewpoint of the reign, originating in several sixteenth-century accounts and in particular George Buchanan's *Historia*, has established a portrayal of the king which has remained essentially the same. The following is an abbreviated version of James V's personal rule and reputation as it has generally been represented.

After escaping from the earl of Angus and the Douglas kin in 1528, James V retained a hatred of this family that would last for his lifetime. Being a lover of justice for both rich and poor, the king endeavoured to establish peace and stability in his kingdom. Unfortunately he carried this concern too far and, as a result of his severity, began to

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[1]This defeat was preceded by an initial refusal at Fala Muir of the Scottish nobility to invade; for more detail, see Chapter 4.

alienate several members of the nobility. As he grew older James became greedier for money to enrich the crown, build palaces, and contribute to his own personal fortune. He attacked his magnates, depriving many of them of their lands and authority.

After his French marriages the king grew increasingly suspicious of the nobility and pursued anyone who was connected with Angus. Religious persecutions escalated with the result that the entire country seemed to be in fear of him. By 1541 James had agreed to meet Henry VIII at York, but he was later convinced by the prelates, under whose control he was wholly and utterly commited, not to proceed with the meeting. This led to war with England, the disaster of Solway Moss and, ultimately, the king's own death. The defeat of the Scots at English hands was due to the alienation of the magnates from their sovereign; their hatred of him motivated them to surrender willingly to the English rather than return to Scotland and face his wrath.

The rout at Solway Moss only deepened the king's suspicions and growing paranoia that the entire nobility was against him. This threw him into a deep depression from which he never recovered. Falling into a fever, he cried out for his favourite, Oliver Sinclair, who had been taken prisoner after Solway Moss, and upon hearing the news of the birth of a daughter, Mary, on December 7,1542 he was said to have exclaimed: "The devil take it. It came with a lass and

it will go with a lass."[3] Turning himself to the wall, the king, wracked by a broken heart, willed himself to die seven days later.

Although extremely unpopular with his nobility, James was remembered as the 'Poor Man's King' or 'King of the Commons' because of the love he had for his lower subjects. His popularity among them was enhanced by various adventures he undertook travelling incognito to taverns and villages where he was able to discover their grievances. Thus, upon his death, the common people lamented while the lords and earls rejoiced at having been relieved of a king they detested.

This traditional view of James V is derived largely from the near-contemporary histories of George Buchanan, John Lesley, John Knox and Robert Lindsay of Pitscottie. Each of these authors exhibits a particular bias which is readily apparent in their descriptions. The account closest to the reign is found in the vernacular poems of Sir David Lindsay.

Lindsay, son of David Lindsay of the Mount, was born c.1486, near Cupar, in Fifeshire and was a member of James IV's court. After Flodden he held various offices in the young James V's personal service which he listed as usher, sewer, cupbearer, carver, keeper of the king's purse, privy

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[3]This famous deathbed utterance was said to refer to the royal line of succession; the Stewarts came to the crown by marriage of their ancestor Walter the Steward with Marjory, daughter of Robert Bruce and mother of Robert II.

treasurer, and principal gentleman, or groom, of the bedchamber. Lindsay became a herald from 1530 and was styled Lyon King of Arms by 1542 under which office he was employed in several embassies. After the king's death he retained his court position, continued to travel as an ambassador and became associated with the reformed religion. He remained active as a poet and wrote several poems and satires up until his death in 1555.

The depictions of James V in Lindsay's early poems describe the king as a young child and Lindsay's own presence in the king's household. In several of these poems Lindsay included an "Exhortatioun to the Kyngis Grace" which outlined the characteristics a good king should possess. Lindsay praised his king in 1530 for conforming to the model of a judicious monarch:

> For Justice haldis hir sweird on hie,
> with hir ballance of Equitie,
> And, in this realme, hes maid sic ordour,
> Baith throw the heland and the bordour,
> That oppressioun and all his fallowis
> Ar hangit heych apon the gallowis.[4]

The king, despite his athletic talents must, in Lindsay's opinion, refrain from lechery:

> Quharefor, sen thou hes sic capacitie
> To lerne to playe so plesandlie, and syng,
> Ryde hors, ryn speris with gret audacitie,
> Schute with hand bow, crosbow, and culverynge,
> Amang the rest, schir, lerne to be ane kyng:
> ...
> And, sen the Diffinitioun of ane kyng

---

[4] "The Complaynt of Schir David Lindesay."(1529-1530). All poems are taken from *The Works of Sir David Lindsay*. 4 Vols. Edited by Douglas Hamer. (Edinburgh, 1931-1936). All citations refer to line number unless otherwise indicated. 381-386.

Is for to have of peple governance,
Addres the first, abuse all uther thyng,
Tyll put thy bodye tyll sic ordinance,
That thyne vertew thyne honour may avance.
For quhov suld Prencis governe gret regionis,
That can nocht dewlie gyde thare awin personis?[5]

Even more pressing than the king's self-control was a need for change and reform in the church. Lindsay's criticism of the Roman Church found its strongest voice in his "Ane Satyre of the Thrie Estaitis" which, although exhorting James to reform the Catholic Church in Scotland, remained sympathetic towards the king. Lindsay, in several other poems, continued to 'chastise' the king lightly by reminding him to remain worthy of the office he had been given, although there was never any overt or severe criticism of James's domestic policy.

This is hardly surprising considering Lindsay's position. As his poems were meant to be read by the king it is doubtful if Lindsay would have jeopardized his status as court poet by finding serious fault with James's capabilities as a ruler. The poet's description of the king remained positive as he left his hardest words for the clerics.

An anti-Catholic bias was even more pervasive in John Knox's *History of the Reformation in Scotland* written around 1566. Although it cannot be taken as an impartial account of the reign, as Knox himself admits,[6] it was the first of the

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[5]Lindsay, "The Testament and Complaynt of the Papyngo." (1530), 283-287, 290-296.
[6]He indicates, in the preface, that politics will only be mentioned when they refer to religion. Every event in history, as a result, is subordinate to the depiction of the

sixteenth-century histories to summarize the reputation James V had received:

> He was called of some a good poor man's King: of others he was termed a murderer of the nobility and one that had decreed their whole destruction. Some praised him for the repressing of theft and oppression; others dispraised him for the defouling of men's wives and virgins.'

George Buchanan's *Historia*,[8] completed by the early 1570s but not published until 1582, is less sympathetic than Lindsay's poems and establishes a portrayal of James that has been accepted and utilized by successive historians. Born in 1506, Buchanan travelled to Paris for his early education and by 1523 had returned to Scotland in order to march with Albany against England. In a personal account of his own life, Buchanan describes himself as becoming 'tinged' with the flame of Lutheranism in 1526, after which he converted to Calvinism. When persecutions against heretics in Scotland increased in 1539, Buchanan was imprisoned but managed to escape and remained on the Continent for several years. He returned once more to Scotland around 1560 and ten years later was appointed tutor to the young king, James VI. Buchanan sat in parliament during the 1570s but after 1578 ceased to hold a political office and died four years later.

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[6](cont'd) struggle between the Roman Church and the Reformed.

[7] John Knox. *History of the Reformation in Scotland*. Edited by W.C. Dickinson, (Edinburgh, 1949), p. 40-41.

[8] George Buchanan. *Rerum Scoticarum Historia*, translated by J. Aikman.(Glasgow and Edinburgh, 1827-9) II, book xiv.

James V's reign, in Buchanan's judgment, began favourably but, due to the king's suspicious disposition, eventually led to disaster for the country.' Thus, despite the young king's courage and strength, he exhibited, from an early age, a "naturally keen and violent"[10] nature. As his reign progressed he became "naturally prone to superstition"[11] and was "both covetous and needy."[12] Buchanan saw two influences acting upon the king which prevented him from meeting Henry VIII and which served to alienate him from his nobles. In several instances, however, Buchanan seems to become unclear in his own mind whether this alienation came from the king's own efforts and inclinations or from these outside forces.

James, according to the author, willingly agreed to meet Henry VIII but was averted by the Hamilton family on one side and the clergy on the other. The former did not wish for the meeting to take place because they feared that an English marriage alliance might take place, thus ruining their own chances of succession. He maintains that the Hamiltons were apprehensive over any matrimonial endeavours the king undertook and did everything in their power to prevent the king's marriage. The clergy, for their part, became worried over the proposed meeting because they feared for the fate of Catholicism and thus bribed any courtier

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'For a more detailed analysis of Buchanan's historical and political beliefs see I.D. McFarlane, *Buchanan* (London, 1981), Chapter 12.

[10] Buchanan, p.301.

[11] *Ibid*,, p.314.

[12] *Ibid*,, p. 318.

"who possessed the greatest influence over [the king]"[13] as well as offering James himself large amounts of money.

With the birth of his two sons,[14] however, the king, "feeling himself more secure, began to despise the nobility."[15] James, Buchanan states, kept both the clergy and the nobility in a state of suspense, playing one off against the other, in order to extract greater and greater amounts of money from them. At Solway Moss the king "intended, by this, to deprive the nobility of all honour, if the expedition succeeded."[16] The appointment of Oliver Sinclair as commander, however, offended the entire army and led to the defeat.

From Buchanan's account comes the conclusion that the nobles willingly gave themselves up as prisoners

> to the English king, though an enemy, [rather] than expose themselves to the vengeance of their own sovereign...[whereupon James] incredibly affected by indignation, rage, and grief...[died of] grief rather than disease.[17]

Thus, the king's reputation as a greedy, suspicious and grasping monarch was established. Buchanan's Protestant bias, however, negates an objective analysis of the reign as well as the fact that he was never able to explain what motive led the king to 'despise' his magnates nor why they became alienated from him.

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[13] *Ibid*,, p.314.
[14] James, born at St. Andrews in May 1540 and Arthur, born at Falkland in April 1541. Arthur died, on the same day as his brother, eight days after his birth.
[15] *Ibid*,, p.318.
[16] *Ibid*,, p.322.
[17] *Ibid*,, p.323, 325.

Although a contemporary of James V, Buchanan was unreliable in his dates of the reign and at least one modern Scottish historian dismisses both Buchanan and Pitscottie as "hardly worth discussing as serious history."[10] Another objection to Buchanan is that his history "was primarily concerned... [with justifying] the political theory that a tyrant might be deposed by his people; and his target was Mary, queen of Scots."[11] Therefore, he sought to provide precedents for the justice of her deposition.

Nevertheless, despite some minor variations, Buchanan's viewpoint of the reign became the standard for virtually every succeeding historical interpretation. The remaining two contemporary, or near-contemporary historians John Lesley and Robert Lindsay of Pitscottie tend to repeat Buchanan's interpretation although Lesley exhibits a much more sympathetic treatment of the king, as well as an understanding of the Continental situation which influenced James's domestic and foreign policy. Buchanan's Calvinist bias is absent from Lesley's account due to the fact that Lesley remained a Catholic during the Reformation in Scotland. Thus, there is also much less emphasis upon 'clerical influence' over the king.

Lesley places the decision for the refusal to meet Henry VIII at York with the king, after having consulted

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[10]Norman Macdougall. "The sources: a reappraisal of the legend." in *Scottish Society in the Fifteenth Century*. Edited by Jennifer Brown, (London, 1977), p. 30.
[11]*Ibid*,, p. 30.

with his nobles. At Fala Muir[20] the author admits that "at ane worde...[the magnates] al refused"[21] to follow the king across the border but that the reasons they gave were just and sensible; the invasion was not worthy of reproof, it would bring the realm into danger, and, as the king had no heir, if England won, Scotland would soon be brought under its yoke. [22]

From this point Lesley's narrative agrees with Buchanan's interpretation. Lesley's *Historie* was completed between 1568 and 1570 and is the second to label the king as a 'Poor Man's King.' His summation of the king is much more positive than Knox's and he specifies who gave the king this particular title:

> He was a manteiner of Justice, an executor of the lawis, a defender of the Innocent and the pure. Quhairthrouch he was namet commounlie be his speciall Nobilitie the pure manis king.[23]

Robert Lindsay of Pitscottie's *Historie*, [24] completed by 1579, is the least accurate and least reliable of sixteenth-century historical accounts of the James V's reign and therefore deserves little comment. He, like Buchanan, was "a Protestant apologist and propagandist"[25] whose sources were various relatives and authors who were not even

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[20]See fn. 2 above.
[21]John Lesley. *The Historie of Scotland.* Translated by James Dalrymple. Edited by E.G. Cody.(Edinburgh,1895), p. 256.
[22]*Ibid*,, p. 256.
[23]Lesley, p.261.
[24]Robert Lindsay of Pitscottie. *The Historie and Cronicles of Scotland from James I to 1575.* Edited by AE.J.G.Mackay, (Edinburgh, 1899).
[25]Macdougall, p. 30.

his own contemporaries. He was not an educated scholar and thus does not write with exactness or strict accuracy. His history abides by Buchanan's account although it exhibits an even more concentrated anti-Catholic bias. James's seeming inability to make a decision without first consulting David Beaton, archbishop of St. Andrews, and other prelates is continually emphasized by Pitscottie.

Succeeding histories adhere to the traditional viewpoint initiated by Buchanan and the other primarily Protestant sixteenth-century accounts. Thus James's over-reliance upon his prelates for advice, the alienation of his nobility and his death of a "broken heart" pervade seventeenth-[2] through to twentieth-century interpretations of the reign.

Even so, late eighteenth and early nineteenth-century histories, in particular, became slightly more favourable to James. His faults are duly noted but are ascribed to the immorality of the age rather than to personal aberration. The blame for the failure of his kingship is placed upon the magnates who are seen as ignorant and ambitious 'thugs' in constant opposition to the crown. James V is characterized as essentially a good king who, unfortunately, was up against forces he could not control. In John Pinkerton's *History of Scotland* the author details other forces which

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[2] "William Drummond of Hawthornden's *History of Scotland*, published in 1655, merely perpetuates the 'reputation' James V had received from sixteenth-century historians and contributes little that is new to the historiography of the reign aside from a personal appeal for toleration and cooperation between a king and his magnates.

worked at decreasing any good intentions the king may have had:

> The talents of the clergy, particularly of Beaton, the incapacity and illiterature of the nobles, the matrimonial alliance with the bigoted house of Guise all afford motives operating to excuse James.[27]

Sir Walter Scott in *Tales of a Grandfather*, published in 1827-9, maintains this positive approach and extends the king's reputation as an amiable sovereign concerned with the welfare of his poor subjects to near mythical status. The king is now described as travelling throughout the kingdom in various disguises so that he "might hear complaints which might not otherwise reach his ears."[28] James is also given a new appellation:

> When James V travelled in disguise, he used a name which was known only to some of his principal nobility and attendants. He was called the Goodman of Ballengiech. [29]

By 1841 Patrick Tytler, in his *History of Scotland*, perpetuates this view. James is endowed with

> a strict love of justice, an unwearied application in removing the grievances and promoting the real interests of his people, and a generosity and warmth of temper, which prompted him, on all occasions, to espouse with enthusiasm the cause of the oppressed.[30]

He is styled as "King of the Commons",[31] is absolved of any ulterior or personal motives in the execution of Lady

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[27]John Pinkerton. *The History of Scotland from the Accession of the House of Stuart to that of Mary.*(London, 1797), p.361.
[28]Walter Scott. *Tales of a Grandfather.*(Paris,1833), p. 283.
[29]*Ibid*,, p.283.
[30]Patrick Fraser Tytler. *History of Scotland.* (Edinburgh, 1841), p.186.
[31]*Ibid*, p. 186.

Glamis, [32] and establishes the College of Justice in order to "remove the means of oppression out of the hands of the aristocracy."[33]

Early twentieth-century interpretations tempered this 'whitewashed' view of James and began to stress the seeming inevitability of Solway Moss and the king's death. Warning signs were in evidence early on in his reign.

> By the close of 1532 all the forces were in full working which were to result in the disastrous end of the reign of James V - his alienation from his nobles, his close union with his clergy, and his antagonism to Henry VIII.[34]

The year 1537 was seen as a turning point in James's career as he brought home from France a conception of royal prerogative and expensive tastes "which were alien to the traditions of his own kingdom."[35] The traditional view that he alienated his magnates still prevailed as well as his love of the common man. James was said to have been known as "King of the Commons, the Gaberlunzie King and the Red Tod[Fox]."[36] He also achieved literary renown as the People's Poet, "Christ's Kirk on the Green" and "The Gaberlunzie Man" supposedly being two of his own works.[37]

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[32]Janet Douglas, Lady Glamis and sister of Angus, was accused of plotting to murder the king and was burned at the stake in Edinburgh, July 1537. Both during James's reign and after she was believed to have been guiltless of the charges brought against her and was seen as an innocent victim of the king's wrath against the Douglases.
[33]*Ibid*, p. 199.
[34]P. Hume Brown. *The History of Scotland*. (Cambridge, 1900) p. 379.
[35]*Ibid*,, p.384.
[36]*Ibid*,, p.396.
[37]John H. Burton. *History of Scotland*. (Edinburgh, 1899), p.184.

Throughout much of the twentieth-century James's reign has been described and explained in the customary manner although more emphasis began to be placed upon his financial policies and the religious situation in Scotland. Protestant English and Catholic French 'parties' grew up as a result of Flodden and characterized his minority. James's own pro-French policy alienated those nobles who advocated closer ties with England while his avariciousness for land and money turned away any remaining supporters.

W.C. Dickinson adheres to this view and stresses that the 'disaffection' which existed between the king and the nobility was one "that appeared to be both religious and political." [39] He, however, refrains from attributing the king's death to a broken heart and merely states the date upon which James V died. Gordon Donaldson's interpretation of the reign is succinct and comprehensive although he also maintains the persistent view that James, due to his harsh domestic policy, alienated his magnates. While acknowledging James's virtues, albeit unwillingly, he concludes that the king's later years were like a "reign of terror."[40] He does, however, discover an 'excuse' for whom he considered one of Scotland's most revolting and sadistic kings:

> He was, after all, half a Tudor by birth and perhaps a Tudor rather than a Stewart in character.[41]

Similarly, J.D. Mackie acknowledges that although James V

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[39] W.C.Dickinson. *Scotland from the earliest times to 1603.* (Edinburgh, 1961) ,p. 312.
[40] Gordon Donalson. *Scotland:James V-James VII.*(Edinburgh, 1965), p. 62.
[41] *Ibid,*, p.62.

was, for the most part, successful in his domestic policy, by "... attacking Borderers, Highlanders, and Douglases he was alienating some of his best fighting men."[11]

Jenny Wormald stands alone as the only twentieth-century historian who has seen the reign of James V as one of strength and success.[12] The structure of the Scottish government necessitated a degree of cooperation between the king and his nobles which, she asserts, was visible throughout James V's reign. The nobles' unwillingness to be used as a tool of France contributed to the disaster of Solway Moss and, although this is a valid conclusion, it does not go far enough. This 'Flodden complex' extended to a fear for the personal welfare of the king; the Scots had no desire to repeat a battle in which their king, and a substantial amount of the nobility, was slain.

Despite her difference from previous histories of James's reign, Wormald's account, like those preceeding it, remains a general one. The governmental legislation of James V has received very little attention as a reflection of his abilities as a king. Indeed, when the parliamentary statutes and council ordinances which were passed during the fourteen years of his personal rule are studied in detail, it becomes

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[11] J.D. Mackie. *A History of Scotland*. 2nd edition. Revised and edited by B. Lenman and G. Parker. (Middlesex, 1978), p. 130.

[12] Mackie, like Wormald concedes that James V was "gifted in many ways" but concludes that the Scots king exhibited "an instability" as well as a lack of "persistence" and "calculation". *Ibid*, p. 134.

apparent that James V's social policy consistently strove towards strengthening the crown financially. He was, as Donaldson states, an acquisitive king but this trait did not make him unpopular. On the contrary, he was a strong and successful king whose determination to re-establish law and order in Scotland after an anarchic minority was fully supported by parliament.

The rest of this thesis will examine James's effectiveness as a ruler and legislator. Chapter 1 discusses the financial and governmental difficulties which arose during his minority and the early years of his personal rule, the minority period in particular having a substantial effect upon the king's later governmental policies. Chapter 2 provides a brief outline of the structure of government and the role of the Scottish parliament and leads up to a more detailed discussion of James's legislation in Chapter 3. Chapter 4 deals with the last years of his reign and is followed by a brief conclusion in the final chapter.

II. Chapter 1

With the death of James IV on September 9, 1513 at the battle of Flodden Scotland was faced with yet another minority as it had been for the previous four reigns. This had a number of important implications. While the 'Auld Alliance' between Scotland and France had been strong enough for James IV to fight England in support of Louis XII, the results of that conflict led to serious re-thinking by the Scots of the advantages and, more importantly, the disadvantages and dangers of supporting French policy. On the other hand France, due to its preoccupation with the Empire, sought association with whomever would support it, even to the point of treating with its old enemy, England, in 1514. Previous obligations to Scotland were forgotten or conveniently ignored.

Anglo-Scottish relations were also considerably altered after 1513 due to the growth of a group favourable to closer ties with England. This enabled Henry VIII to pursue a policy within Scotland of supporting those lords who wished the 'Auld Alliance' to be discarded and of making whatever trouble or nuisance he could whenever French interests were ascendant. Scotland, therefore, during James V's minority was tied to, and was dependent upon, the flow of continental affairs and the untidy course of Tudor diplomacy.

James V was crowned at Stirling on September 21 and was placed in his mother's custody with a council of regency nominated by parliament to assist her. Despite Henry VIII's

hopes for the development of an English party centering around his sister, in November 1513 the lords of council decided to uphold the French alliance by consenting "that the duke of albany suld cum hame to the Realme of Scotland."[43] John Stewart, duke of Albany was the son of Alexander Stewart, the exiled brother of James III, and was next in line of succession to James V. He arrived in Scotland at the end of May 1515 when he was established and accepted as regent of Scotland.[44]

The first two years of Albany's regency were none too peaceful as he spent most of his time pacifying rebellious nobles. On May 25, 1517, however, the duke, promising to return, left Scotland "for expeditioun of the materis concernyng the commoun wele of this realme and for the weile addressing and ordouring of his awin materis."[45] His efforts were not unsuccessful as Scotland and France formulated the treaty of Rouen on August 26, 1517 providing for mutual aid and for a Scottish invasion of England should England make war upon France. The treaty also provided for a marriage alliance between James V and one of Francis's daughters[46]

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[43] *Acts of the Parliaments of Scotland.* 12 Vols. Edited by Thomas Thomson and Cosmo Innes. (Edinburgh, 1814-75). Hereafter cited as *APS. ii*, p.282.

[44] Queen Margaret had since lost the office of tutrix when she married Archibald, sixth earl of Angus, on August 6, 1514. According to Scots law a mother could remain tutor to her children as long as she remained a widow. Upon remarriage she forfeited the office which would then pass to the nearest agnate or kinsman on the father's side.

[45] *Acts of the Lords of Council in Public Affairs 1501-1554: Selections from the Acta Dominorum Concilii.* Edited by R. K. Hannay. (Edinburgh, 1932) Hereafter cited as *ADC*. p. 92.

[46] Gordon Donaldson. *Scottish Historical Documents.* (New York, 1970), p.98-100.

which, despite the French king's vacillation, was finally realized twenty years later. Francis I did not ratify the treaty until 1522 and from 1517 until 1521, years during which Anglo-French relations remained amicable, Albany was detained in France. The French king had no desire to jeopardize his alliance with England and, therefore, he complied with Henry VIII's 'request' that Albany remain in France.

Scotland, without Albany's effective presence and guidance, degenerated into factious misrule. Rivalry between the two dominating factions, the Hamilton family led by James, earl of Arran, and the Douglases, under Archibald, earl of Angus, culminated in an Edinburgh street fight in April 1520 known as 'Cleanse the Causeway'. Both of these families kept Scotland in political turmoil until Albany returned in November 1521.

As always, much of Scottish policy during this period depended upon continental affairs and Albany's reappearance coincided with the deterioration of Anglo-French amicability. In June 1522, Francis ratified the treaty of Rouen[']' and Albany raised an army in accordance with French wishes to put military pressure upon England. The Scots marched south, came within five miles of Carlisle [''] and, without exchanging any blows, agreed to a truce with Thomas

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[']'Francis, however, was still reluctant to pursue a marriage alliance and remained evasive whenever it was brought up by Scottish ambassadors. His principal aim, as always, was to use Scotland as a diversion without having to sacrifice his own position.

[''] The border was nine miles north of Carlisle.

Dacre, Henry VIII's warden of the Marches. English hostilities resurfaced in 1523 and once more the Scottish army, this time with French reinforcements,[49] marched to the English border but the Scottish lords refused to go further into England. Albany, undaunted, sent over a French contingent in an attempt to besiege Wark Castle, which failed miserably.

In May 1524, Albany left for France[50] on the condition that if he did not return by September 1 his regency would be terminated. James V was invested with symbols of sovereignty on July 26, 1524, effectively bringing Albany's governorship to an end. This also signalled the beginning of the earl of Angus's dominance in Scottish affairs. In July 1525 it had been decided in parliament that James V would remain in the custody of each of the leading nobles who would keep him for three months in rotation. Thus, the archbishop of Glasgow and the earl of Angus were to keep the king for the first 'quarter', followed by the bishop of Aberdeen and the earl of Arran; the archbishop of St. Andrews and the earl of Argyll; and, finally, the bishop of Dunblane and the earl of Lennox.[51] In November, however, Angus refused to give up the king and maintained him virtually as a prisoner.

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[49] Albany had set out again for France in October 1522 and returned the folowing September with 5000 men and munitions.
[50] No 'official' reason was given for the duke's departure but he was, undoubtedly, weary of pursuing a policy which was marked by a lack of desire and initiative from many of the Scottish magnates.
[51] *APS, ii*, p. 294.

On June 14, 1526 parliament once more invested James V with the symbols of sovereignty:

> his auctoritie riale [was] in his awin handis...[thus] all his officis [were] to be disponit to sic personis as his grace and counsale sall think expedient. And tharfor...all his selis of the saidis officis be deliverit to his graice to morn. [52]

By creating the fiction that the young James was actively supporting Angus, this act, in effect, gave Angus the 'authority' to appoint many of his kin to governmental and household positions; Archibald Douglas of Kilspindy, his uncle, became treasurer, custumar-general for all of Scotland and provost of Edinburgh. Other appointments included George Douglas, Angus's brother, as carver to the king and guardian of the royal person, James Douglas of Drumlanrig as master of the wine cellar, and James Douglas of Parkhead as master of the larder.[53] James Beaton, who had held the office of chancellor since 1513, was deprived of the great seal in July 1526. Angus kept it in his own hands until he himself became chancellor in August 1527.

As Douglas domination in government became more apparent, many lords such as Arran, Lennox, Argyll, Cassillis and Glencairn no longer sat in council.[54] Opposition to Angus became manifest in July 1526 when Walter Scott of Buccleuch made an unsuccessful attempt, near Melrose, to liberate the king, and in August when Lennox

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[52] *APS, II*, p. 301.
[53] William Fraser, *The Douglas Book*, 4 Vols. (Edinburgh, 1885), *Vol. II*, p. 143.
[54] Donaldson, *James V-James VII*. p. 40.

publicly accused Angus of holding James V prisoner.[55] Supported by the queen mother, "Argyll, Moray, Glencairn, Cassillis, Home, Ruthven and the two archbishops",[56] Lennox attempted to seize the king in September but was killed in the effort. Opposition towards Angus was obvious but fears for the life of the young king, while in Angus's custody, prevented any other serious attempts at a coup.

In May 1528 James V, now seventeen years of age, with the help of his mother, escaped to Stirling Castle and in July marched to Edinburgh with the support of most of the lords of the realm. Angus,his brother and uncle were summoned to compear for treason on September 1 but they refused to appear and fled, instead, to England. On November 6, 1528 their lives, lands, and goods were declared forfeited in parliament. A reciprocal oath between the lords and James V was sworn on this day to

> nevir labour...nor solist for Archibald douglas...nor speke, assist nor intercommoune with him...bot that thai sall resist the said Archibald and his part takaris and persew thame at thar utirmost...for the quhilkis causis the kingis grace swor inlikwis be the haly evangellis.[57]

With his escape from the Douglases and their forfeiture in parliament James effectively gained control and began his personal rule. For the next six years, from 1528 until 1534, financial concerns and the consolidation of royal authority dominated his domestic policy.

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[55] *ADC*, p. 250-51.
[56] Donaldson, *James V-James VII*, p. 40.
[57] *ADC*, p. 290.

The most prevalent problem which faced James V after the anarchic years of his minority was the deplorable state of crown finances. The main sources of crown revenue were the great customs, royal lands, rents from royal burghs, profits of justice and feudal casualties (profits accruing to a feudal superior). Then, and until 1597, customs were levied almost exclusively on exports; imports, with the exception of wine and other goods from England, were free of duty.[5] Wool was the principal source of customs revenue and was the responsibility of the comptroller. This officer was also the receiver-general and manager of all crown property.[5] During the fourteen years of his personal rule James V had two comptrollers: James Colville of Uchiltree, whose term of office began in 1525 (with a break of one year from 1529-30, when the position was filled by Robert Barton) and continued until September 1538; and David Wood of Craig who held the post from September 1538 until March 1543.

Crown lands were managed and their revenues accounted for in exchequer by *ballivi ad extra*, who had originally been the king's baillies outside of his royal burghs. Individually, they had a wide variety of titles:

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[5]Athol A. Murray. "The Exchequer and Crown Revenue of Scotland 1437 -1542." Unpublished Ph.D. Thesis, University of Edinburgh, 1961, p. 142.

[5]For a more detailed explanation of the comptroller's duties and responsibilities see the following by Athol A. Murray; "The Comptroller, 1425-1488." *Scottish Historical Review*, Vol.52, April 1973, pp.1-29, "Financing the Royal Household: James V and his Comptrollers, 1513-1543", in *The Renaissance and Reformation in Scotland*. Edited by Ian B. Cowan and Duncan Shaw, (Edinburgh, 1983) and his Ph. D. thesis, *Ibid*.

chamberlains, receivers, farmers, mairs, stewards or rangers. The comptroller retained overall responsibility for crown lands but these lands were set or let by commissioners specially appointed by the king.

Crown lands were severely diminished during James V's minority as Albany sought to buy or reward support. Rents were curtailed in some cases: Colin, earl of Argyll was given a remission from the rents of Kintyre for ten years due to the war with England and his inability to levy them.[10] Flodden, however, as Gordon Donaldson maintains, may well have been a convenient excuse for Argyll and others to pocket the crown's rent money for their own personal profit.[11]

During the years of the regency, supporting Albany and his household proved to be extremely expensive compared with maintaining the young king, the former's monthly expenses averaging around £700 while the latter's worked out to about £127.[12] Crown revenue was low and household expenses rose even after Albany's departure so that in July 1525 Robert Barton, then the comptroller complained in parliament that

> the expensis of the kingis houshald is risin sa gret that his propertie may not beir the samin and daly apperis to rise gretar becaus na ordor is put into be the lordis havand auctoritie of the samin... without thaim providit sum gud ordor and reule to his houshald It is not possible that his grace may

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[10] *Rotuli scaccarii regum Scotorum: the Exchequer Rolls of Scotland*. Edited by J. Stuart and others. (Edinburgh, 1878-1908.) Hereafter cited as *ER. Vol XIV*, Preface, p. xxxviii.

[11] Donaldson, *James V-James VII* , p. 43.

[12] *ER, Vol. XIV*, Preface, p. lxxiv.

be sustenit to his honor as efferis.'[3]

Barton's successor, James Colville of Uchiltree, was complaining by January 2, 1526 that he could not answer for the most part of the king's property nor uphold the king's house "quhilk is at far gretar expens dailye than it has bene ony tyme bypast sen the feild of Flodoun or laitlie befor the said feild."[4] At the same time he asked to be 'discharged' from the office. In June of the same year the treasurer was lending £3000 to the comptroller to help defray costs.

By July 1527 Colville, who was still comptroller, was again threatening to resign unless the lords could find a way to bear the king's expense which "war sa gret that he [Colville] mycht nocht beir the chargis tharof."[5] This obvious lack of revenue and failure to meet household expenses was to have a great impact upon the social policy of James V once he began his personal rule. His efforts to rebuild royal finances and restore revenue from crown lands was the dominating factor throughout his reign of the next fourteen years.

In the first six years of his personal reign, however, the king had little time to concentrate upon local governmental legislation. Although a truce with England was signed at Berwick in December 1528 (which provided for arbitration of border disputes and negotiation of a final

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[3] *APS*, *ii*, p. 295.
[4] *ADC*, p. 234-35.
[5] *ADC*, p. 260.

treaty of peace within five years)[‘‘] Anglo-Scottish relations were far from amicable. Henry VIII made continual attempts to reinstate Angus in James's favour[’’] but the Scottish king was never to relinquish his hatred of the Douglases and would thus never consent to Henry's requests. The relative lack of statutes passed during this period, compared to the second half of his reign, indicate that the concern was with pacifying unruly barons and lords in the Isles and upon the borders, rather than improving conditions in the realm as a whole.

Peace with England was made at the end of 1528 although neither side appeared to be wholly committed to a permanent cessation of hostilities. Disputes over the debateable land[‘‘] became more apparent from 1529[’’] and Henry attempted to coerce more peaceful relations from the Scottish king by intimating that James was endangering his position in the

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‘‘*State Papers of the reign of King Henry VIII*. 11 Vols. (London, 1830-52). Hereafter cited as *St.P.* All citations refer to document numbers unless otherwise noted. *IV (iv)*, 201, *ADC*, p. 298-99.

’’ *St.P. IV (iv)*, 202, 204, 213, *Letters and Papers, Foreign and Domestic, of the Reign of Henry VIII 1509-47*. Edited by J.S.Brewer, J.Gairdner and R.H.Brodie, 21 Vols. (London, 1862-1910, 1920). Hereafter cited as *L&P*. All citations refer to document number unless otherwise noted. *V*, 854, *VII*, 1350.

‘‘ This was an area of land on the border which, due to the fact that "the boundary line between the two kingdoms was not always clear", was a continuing subject of dispute. Criminal activities by the permanent inhabitants of this area disturbed the frontier administrators of both countries who were unable to receive redress "lest they appeared to acknowledge the claim of the opposite kingdom to ownership of the area." Ian A. Rae. *The Administration of the Scottish Frontier 1513-1603*. (Edinburgh, 1966), p. 21, 22.

‘‘*St.P. IV (iv)*, 212, 218, 222, *L&P, V*, 535, 537, 845.

English succession'[10] by these hostile actions.

In September and October 1531 there were meetings of Scots and English wardens in the hope of redressing grievances'[11] but by November complaints about the debateable land and numerous border forays by both sides were escalating. Throughout the spring and summer of 1532 letters between Henry VIII and James V abounded with complaints about each king's failure to keep the peace.'[12] By September 1532 there were threats and fears of an English invasion. These fears were not unfounded: in October Henry Percy, earl of Northumberland, Henry VIII's warden of the East and Middle Marches, suggested that the time was right for an invasion of Scotland because James was "at thys tyme in great and extreme povertie...[and was] all destitute of any ayd helpe or releve of any outward Prince."'[13]

Preparations for defence continued throughout December 1532 and into the new year with a belief that war would soon ensue.'[14] Peace negotiations finally began in June 1533'[15] and

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'[10] James IV's marriage to Margaret Tudor made their son, James V, heir-presumptive to the English throne until the birth of Mary Tudor in 1516 and next in line of succession after her and Elizabeth until, of course, the birth of Edward in 1537. In 1531, when this 'threat' to James V's "possibility to the succession" was made, Henry VIII had already claimed that his marriage to Katherine of Aragon was invalid. By implication, therefore, this ruled out the right of Mary Tudor and, if Henry had died at this time (Elizabeth was not born until 1533), must have made either his sister, Margaret Tudor, or her son, James V, heir to the English throne.

'[11] *St.P. IV (iv)*, 214, *ADC*, p. 362.

'[12] *St.P. IV (iv)*, 223-228.

'[13] *St.P. IV (iv)*, 232.

'[14] *ADC*, p. 390-97, *L&P, V*, 1110, 1224, 1364, 1558.

'[15] *ADC*, p. 406, *St.P. IV (iv)*, 246-248.

a truce for one year was concluded at Newcastle on October 1.'' A permanent peace, to endure for the lives of both kings and for one year after the death of either, was made by commissioners from both sides in May 1534'' although it was not confirmed by James V until June 30'' nor by Henry VIII until August.''

Thus, although Henry was preoccupied with his own reformation of the church, he was obviously not committed to the peace of 1528. Continuing to support Angus he wished to keep Scotland weak and divided in order to guard his own backdoor lest his alliance with France fell through and England became subject to an attack led by the European Catholic rulers. Once his own religious position was, for the most part, secured in 1534 with the Act of Supremacy he was willing to accept the advantages of peace. James V, while contending with external problems on his borders from the English was also, during this period, attempting to establish some internal order to his kingdom.

From the beginning of his personal rule, James's determination to govern, and to govern strongly, was apparent. His animosity towards Angus and his kin did not abate with their forfeiture in the parliament of September 3, 1528. Throughout the following months, various expeditions to the borders and, specifically, to the

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''*The Letters of James V*. Edited by R.K.Hannay and Denys Hay. (Edinburgh, 1954), p. 245, *St.P. IV (iv)*, 251.
''*Letters of James V*, p. 267.
''*Ibid*, p. 270.
''*St.P. IV (iv)*, 264.

strongpoints and castles of the Douglases, were undertaken.

George, lord Hume, warden of the East Marches, and his brother John, abbot of Jedburgh, were given the task of expelling Angus and his followers from the Douglas strongholds of Coldingham and Colbrandspeth.[40] In order to ensure the support of the most important border families in this task James commanded that the Humes, Kers, Scotts and other important lords of Lothian enter pledges within the king's castles upon their own expense, as security for their assistance to the king.[41] Patrick, earl of Bothwell was given the lieutenancy of Lothian, Merse and Teviotdale for one year and was to receive Angus's castle of Tantallon in feu-ferme ("a heritable grant of land in return for a fixed and perpetual money rent.")[42] once Angus had been expelled.

The Douglas earl did manage for a time to hold out in Tantallon but, realizing that his cause was lost, fled to England with his brother and his uncle, where he remained until after the death of James V in 1542. James did not tolerate those lords who refused to assist him in these expeditions and several lords were 'put to the horn'(outlawed) and their goods escheated to the crown because of their refusal to cooperate.[43]

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[40] *ADC*, p. 286.
[41] *ADC*, p. 291.
[42] Ranald Nicholson. *Scotland: The Later Middle Ages.* (Edinburgh, 1974), p. 6.
[43] *Ancient Criminal Trials in Scotland 1488-1624.* 3 Vols. Edited by Robert Pitcairn. (Edinburgh, 1833), *Vol. I*, p. 140-42.

These stern measures towards both high and low officials and lords characterized James's internal policy during this period and thereafter. In May and June 1529, James personally led members of the council upon justice ayres at Lauder, Jedburgh, Selkirk and Peebles for pacification of the country while keeping several of the most powerful border officials in ward:[1]

> It is divisit concludit and ordanit be the lordis of the secrete consale that the kingis grace with his trew barouns and liegis sall ryd in propir persoun endlangis his bordouris foranentis Ingland for punyssioun of malef[act]ouris, pecifying of the cuntre and executioun of justice as salbe sene expedient, and that the erle Bothvile, lord Maxwell, lord Home, lardis of Johnnstoun, Buccleuch, Mark Ker, and utheris lardis beand now in ward sall remane in to the samin during the kingis pleisour.[2]

In May 1530, James led a border raid travelling through Roxburgh, Berwickshire, Peebleshire, Selkirkshire and Lothian where pledges were taken and several thieves were hanged,[3] the most famous of which was Johnnie Armstrong who was later made immortal in ballad.[4]

According to the ballad, James was supposed to have written a "luving letter" requesting this notorious border criminal to meet him but upon Armstrong's arrival the king refused him pardon and hung Armstrong with some forty of his

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[1] "Warding was a form of imprisonment whereby a person 'entered himself into ward' rather than being put there. It could often be 'free ward' when the door was not locked or when the prisoner was confined to an area within a radius of specified miles.

[2] *ADC*, p. 327.

[3] Pitcairn, *Vol. I*, p. 144-45.

[4] For the text of the ballad see Michael Brander. *Scottish Border Battles and Ballads*. (London, 1975), p. 74-78.

followers. The ballad makes Armstrong into a hero, asking for "grace at a graceless face"[30] when in all probability he was more than a nuisance to both England and Scotland. There is no evidence to suggest that the king was 'treacherous' in dealing with Armstrong.

The borders had always been an area where the central authority was weakest and where several of the lords, not to mention lesser men, were far from trustworthy. James's suspicions and his treatment of these lords, while harsh, was justifiable. Some of them, such as the earl of Bothwell, were openly intriguing with England. In a letter from Northumberland to Henry VIII of December 1531, the English earl related a meeting he held with Bothwell who, angry at the Scottish king for keeping him in ward and for giving away some of his lands to the Kers, pledged his allegiance to Henry VIII and stated that the English king would be crowned in Edinburgh shortly.[31] This last point was an obvious exaggeration as Bothwell did not have any support from the rest of the nobility for these ambitions. Consequently, in June 1532, Bothwell was removed from his command in Liddesdale and of the castle of Hermitage and was placed in ward. He remained in and out of ward from 1532 until he was finally banished from Scotland in 1537.[32] He was compelled to resign Liddesdale which, with Hermitage Castle, was annexed to the crown on December 10, 1540.[33]

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[30] *Ibid*, p. 77.
[31] *St.P. IV (iv)*, 222.
[32] *ADC*, p. 425-26, 438-39.
[33] *Scots Peerage*. Edited by James Balfour Paul. 9 Vols.

James continued to ride and personally lead his men on judicial and military forays. In June 1534 the king rode to Eskdalemuir to pursue rebels and outlaws and from October to December of the same year travelled to Liddesdale to capture thieves.'[2] This personal involvement did much to establish his position as a monarch who would not tolerate disobedience and as one who took his kingly duty as the dispenser of justice seriously. While he did not treat his greater lords and magnates with contempt he, nonetheless, made it known that he was their sovereign in more than name only. In fulfilling his judicial duty as a king James not only asserted his authority in previously weakly-ruled areas but kept those areas fairly calm and free from overt disturbances for the rest of his reign.

The Highlands and Isles of Scotland were another area where royal authority was weak and, like the borders, personal expeditions by the monarch served to enforce his authority and strengthen his image as a ruler. Nonetheless, this area was traditionally governed by two important noble families, The Gordons in the Highlands and the Campbells in the Isles, the chiefs of whom were given lieutenancies'[3] in order to maintain peace. Problems arose, of course, when

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'[1](cont'd) (Edinburgh, 1904-14), *Vol. III*, p. 158.
'[2]Rae, p. 262.
'[3]Lieutenants wielded greater powers than wardens and other local officials. "This greater power was derived from the fact that they were acting directly on behalf of the king, taking his place either as leader of the fighting force or as the mainspring of the administration." Rae, p. 104. They were also distinguished by the fact that "they were central, rather than local officials of the crown", and had control over a larger area of the country. *Ibid*, p. 105.

during periods of minority government these families obtained more and more power over the area through the acquisition of lands and status, ostensibly in the name of the crown, but in reality at its expense. The rents from crown lands, as previously mentioned, were not always returned in full and in some cases not at all.

As the king's representatives, Archibald Campbell, earl of Argyll in the south and George Gordon, earl of Huntly in the north were given extensive powers which became an effective means for their own private exploitation. As W.C. Mackenzie notes, these clans were no worse than other clans would have been in similar circumstances but "the central authority by its policy provided Argyll and Huntly with the means of satisfying their cupidity. As Lieutenant of the Isles... Argyll was in effect King of the Hebrides."[1]

James V continued to utilize these lords giving Colin, third earl of Argyll, authority in August 1529 to bring "all the cuntreis of the Ilis to the kingis lawis and obedience."[2] Upon the earl's death in November 1529, however, James was unwilling to grant his successor the same privileges and power. Archibald, fourth earl of Argyll, "bound himself for good rule in the realm and to keep obligations and ordinances made or accepted between his grandfather and father and the king and James IV."[3]

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[1] W.C. Mackenzie. *The Highlands and Islands of Scotland: A Historical Survey*. (Edinburgh, 1937), p. 122.
[2] *ADC*, p. 313.
[3] *ADC*, p. 343.

Although he maintained the hereditary position as Justice-General of the whole kingdom and master of the king's household, he was deprived of his family's office as lieutenant of the Isles, and in June 1531 was compelled to 'give up' the office of chamberlain of Kintyre. He was reduced to asking the king for "ane commissioun of lieutennandrie of the south Ilis and Kyntyre in the best forme during the Kingis will and of the remanent of his awine boundis."'' The king held to his rigorous position and refused to grant Argyll the office. He went as far as imprisoning the earl for several months in 1531 due to Argyll's failure to compear and answer accusations charged against him by Alexander Macdonald of Islay.'' By 1533, however, Argyll was again active as Justice-General.''

James V, in his efforts to pacify the Isles planned a personal expedition during the summer of 1531. His determination to quell any disturbances in this area was exhibited in a postcript of a letter to Francis I in March 1531:

> [The Islesmen] will be quelled easily, and are in fact writing and sending envoys to obtain pardon; yet unless they are thoroughly reduced they will not keep promise for long. [I] will not desist till the

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''*ADC*, p. 357.

''*ADC*, p. 335-36. Macdonald, chief of the Clandonald of Isla, had personally entered a submission to the king at Stirling in the previous year for good rule in the Isles. Argyll, wishing perhaps to provide a reason for his continuance in office as lieutenant of the Isles, (this is the conclusion put forth by Donald Gregory. *History of the Western Highlands and Isles of Scotland.* (Edinburgh, 1881), p. 140.) accused Macdonald of various crimes which Macdonald denied and, in turn, accused Argyll of abusing the office.

''*ADC*, p. 409.

> leaders are broken or give hostages. If they prove obstinate, there is nothing like the culverin for clearing them out of their boats and strongholds.'[100]

James did, in fact, achieve a 'bloodless' victory as the chiefs voluntarily came before the king and pledged their goodwill. For the rest of his reign there was little disturbance from the southern Isles.

Jurisdiction in the northern Highlands was delegated to the king's half-brother, James Stewart, earl of Moray.'[101] In November 1530 the king bestowed the earldom of Orkney and Shetland upon him'[102] and in February 1531 he was appointed lieutenant of the 'north parts.'[103] He continued to exercise authority in the Highlands as well as accompanying the king on numerous border raids. The Gordons still maintained some of their prestige in the north. George, fourth earl of Huntly received a commission of fire and sword'[104] in June 1534 against the Clan Chattan which had been causing much mischief in the north.'[105]

By using the traditional method of delegating authority to various magnates and personally accompanying them on raids and forays, James was able to establish a considerable

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[100] *Letters of James V.* p. 190.
[101] He was born in 1500; the son of James IV and Janet Kennedy.
[102] *Registrum secreti sigilli regum Scotorum: The Register of the Privy Seal of Scotland. Vols. I-VII* [1488-1580], 1908-65. Hereafter cited as *R.S.S.* All citations refer to document number unless otherwise noted. *Vol. II*, 766.
[103] *ADC*, p. 348-9.
[104] These were "commissions of justiciary which gave local officials and landlords powers to proceed with unrestricted force against wrongdoers." Gordon Donaldson and Robert S. Morpeth. *A Dictionary of Scottish History.* (Edinburgh, 1977), p. 76.
[105] *Scots Peerage. Vol. IV*, p. 534.

amount of tranquility in the most troublesome areas of the kingdom. He was astute enough not to give these lords over-extensive powers and was thereby able to consolidate royal authority without incurring any derogation of his own personal power or jeopardizing crown-magnate relations. He imprisoned those lords who disobeyed the crown but he did not wholly deprive them of their office or status unless they continued to strive to undermine his position or to assert themselves at the crown's expense. In these efforts the king continued to have the support of parliament and the assistance of the nobility.

III. Chapter 2

The setting of James V's governmental programme was a traditional one which had built up over several centuries. Certainly his reliance upon the nobility for regional administration, as indicated in the previous chapter, was neither novel nor innovative. The governed population of Scotland saw much more of their local lord, in his baron court, than they did of the king and it was to this court that they went for public justice. Most actions dealt with debt, slaughter, theft, [10] and disputes between tenants; in short, anything that comprehended the well-being of the tenants and their surrounding neighbourhood. Nonetheless, if a tenant was dissatisfied with the 'doom,' or judgment, brought against him he could appeal to the court of the sheriffdom.

The sheriffdom was the basic local judicial and administrative unit of medieval and early modern Scotland. Early sheriffdoms consisted of those lands which owed suit to the court and service to the royal castle. The castle became and remained the centre of the sheriffdom, acting as the legal, administrative and military *caput* for its scattered lands.[11] The sheriff court was a royal court,

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[10]The sheriff or baron had jurisdiction in cases of slaughter; that is, murder committed in the 'heat of blood', in self-defence or with forethought felony (provided the murderer was caught 'red-handed'). Similarly, in cases where a thief was apprehended with the stolen goods in his personal possession or in his dwelling, local officials had the authority to try such pleas.

[11]For the organization, functions and procedure of a sheriff court in the period covered in this study see *The Sheriff Court Book of Fife 1515-1522*. Edited by

presided over by the king's sheriff who, as the crown's local agent, held administrative, financial, military and judicial responsibilities. Shrieval duties included searching for, and pursuing rebels put 'to the horn', summoning the host for military functions, supervising 'wappinschaws'(weaponshowings), executing all royal writs and letters, collection of 'ordinary' crown revenue as well as the collection of taxes. The sheriff's criminal jurisdiction was limited to actions of slaughter and theft; other criminal actions were reserved for the justiciar.

In the dispensation of royal justice, justiciars held an important position. As royal judges they were expected to ride throughout the country, in the spring and in the autumn, 'on ayre' from sheriffdom to sheriffdom holding their itinerant courts at the *caput* of each region. In the reign of Robert I (1306-1329) there was a simple division, with one justiciar responsible for lands north of the Forth and another for those to the south. In 1503 came the first instance of a Justice-General for the entire kingdom and from 1524 this official was to remain continually in Edinburgh while deputies, appointed by him, were responsible for administering criminal justice in the localities.

Early jurisdiction of the justiciar was both criminal and civil but by the reign of James V and, more importantly, with the establishment of the College of Justice in 1532, this jurisdiction became solely criminal. The four pleas of

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'°'(cont'd) W.C.Dickinson. (Scottish History Society, 1928), Introduction and appendices.

the crown (murder, rape, robbery and arson), considered too important to be heard in the sheriff court, were the responsibility of the justiciar. The ultimate court of appeal, however, remained with the king and his council which met in parliament.

During the sixteenth century, parliament was considered to be a national assembly of landowners who, by right of their feudal relationship with the king, had a duty and an obligation to attend his great council in order to do his business. The medieval concept of kingship concluded that government was the king's government, personally controlled and inspired by him. The king, as the fountain of justice, was the focal point through which the laws of Scotland were made and dispensed. The Scottish parliament was the forum for this law-making and was, in effect, the supreme court of law. It was essentially a meeting of the king's council although its members could meet in a less formalized body, called a general council, which functioned in much the same way as parliament but was free of its judicial business.

The term 'general council' was adopted in the fourteenth century to denote a meeting of an enlarged council, attended by members of the three estates, similar to parliament, but with less formality and a smaller membership. The presence of the king at a general council was not required but he was free to invite "those whom he pleased... and, [for the most part] he invited the great

lords, spiritual and temporal."[108] By the end of the fifteenth century a general council could legislate, sanction taxation, and was generally as proficient as parliament in dealing with the affairs of the kingdom.[109] It remained distinct from parliament, however, in that

> it scarcely ever functioned as a court: it could be summoned on shorter warning and its procedure was not hampered by judicial formalities or clogged up with litigation.[110]

Major affairs of the kingdom were deliberated in parliament and general councils. The king relied upon the advice of his privy or secret council, however, for day-to-day problems of government. Its membership consisted of a small number of prelates, earls, barons and leading officials, probably fewer than ten persons altogether, who were in close or constant attendance upon the king:

> As the king's right-hand men, councillors acted in every aspect of government. All they could not do was sentence people to death or forfeiture and settle lawsuits concerning landownership.[111]

A separate record for the privy council was not kept until 1545 so that its decisions, along with matters of the session (see below), general council and exchequer are contained in the *Acta Dominorum Concilii*. It was only after

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[108]Dickinson, p. 192.

[109]Although it was a form of assembly for the three estates of the realm, during the reign of James III general councils tended to become meetings of 'afforced' privy councils as burghal members began to be neglected and were not always summoned to attend. See R.K. Hannay, "General Council of Estates." *Scottish Historical Review*, Vol. 20, 1923, pp. 263-284.

[110]Nicholson, p. 21.

[111]Alexander Grant. *Independence and Nationhood: Scotland 1306-1469*. (London, 1984), p. 148.

the erection of the College of Justice in 1532 that records of session and privy council began to differentiate.

As the king's court, the validity of a parliamentary meeting depended upon his summons. Parliament was summoned by precept'''[3] and by public proclamation:

> The kingis grace with avise of the lordis of his counsale hes ordanit ane parliament to be proclamit to begyn in the burgh of Edinburgh the thrid day of December nixt tocum for ordouring, treting and concluding of sic grett materis as instantlie occurris concerning the kingis grace, the weill of this realm and liegis tharof: therfor ordanis the directour of the chancelarie to direct preceptis to all prelatis, baronis, commissaris and balzeis of burrowis, and all uthir our soverane lordis frehalderis within this realm, chargeing thame to compeir the said day for thar avise to be had in sic thingis as salbe proponit at that tyme to thaim.'''[3]

The composition and membership of parliament during the fifteenth century and up to the middle of the sixteenth consisted of the three estates; clergy, tenants-in-chief and burgesses. The over-riding principle of membership to the Scottish parliament was that it represented the landowners of the realm; the "members... must represent land and... all land must be represented in some way."'''[4]

> The theory presumably was that when all lay tenants-in-chief were summoned with the ecclesiastical landowners and burgesses, the entire land of Scotland- and so in a sense all its inhabitants- was represented.'''[5]

'''[2] "Individual writs [were] sent out from the king's chancery to those who were required to attend; and both the proclamation and the precepts had to give at least forty days' notice in advance." Dickinson, p. 188.
'''[3] *ADC*, p. 495.
'''[4] Robert S.Rait. *The Parliaments of Scotland*. (Glasgow, 1924), p. 4.
'''[5] Grant, *Independence and Nationhood*, p, 167.

The clergy represented the spiritual estate. The bishops from the thirteen medieval sees of St.Andrews, Dunkeld, Aberdeen, Moray, Brechin, Dunblane, Ross, Caithness, Orkney, the Isles, Glasgow, Galloway or Whithorn, and Argyll or Lismore were recorded as being present in parliament from the thirteenth century. Abbots and priors also attended parliament making a possible attendance of about fifty although actual attendance was very irregular. Members of the lower clergy attended parliament from the fourteenth century but, by the sixteenth century, many of those who attended were also royal officials. This

> disappearance of the lower clergy from parliament left the clerical estate composed solely of ecclesiastics who, by reason of their office, were tenants-in-chief of the crown, and thus emphasized the tendency of Scottish parliamentary theory to regard parliament as composed of men who represented land.'''

For the magnates attendance at either a parliament or a general council was an obligation; as tenants-in-chief of the crown they owed suit to the king's court. Up to the end of the fourteenth century Scottish noble society was essentially territorial, and the nobility consisted of earls, barons and freeholders''' A baron in the sixteenth century was "anyone who held a barony - a fief with a court

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'''Rait, p. 174.

'''That is, essentially all tenants-in-chief of the king, even if they were relatively modest landholders; see Alexander Grant. "The development of the Scottish peerage."*Scottish Historical Review*.Vol. LVII, April, 1978, p. 1. For a more comprehensive explanation of the composition of parliament and the evolution of its membership see A.A.M.Duncan."The early parliaments of Scotland." *Scottish Historical Review*. Vol. XLV, April, 1966, pp.36-58.

in which public justice could be dispensed."[118] The concept of earldoms by the middle of the fifteenth century, however, was changing. From 1424, upon the return of James I (1406-37) from England, the nobility of Scotland underwent a series of transformations initiated by that king through parliament so that there emerged a Scottish peerage that was to become more social and political than territorial.[119] There are no existing lists of attendance for the parliaments of James I and II; however, it became apparent that few tenants-in-chief below the rank of earl and baron attended.[120]

The participation of burgesses in parliaments and general councils was apparent from c1357. Their original presence was directly a result of the financial necessity of obtaining funds for the ransom of David II (1329-71). Pressure was put upon the burghs during this period to send representatives and thus their constitutional position began to be established. Commissioners sent from the royal burghs (burghs of regality[121] or of barony were represented by

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[118] Nicholson, p. 7.
[119] Grant, "Development of the Scottish peerage." p. 7.
[120] In the 1479 parliament of James III, out of a total of eighteen tenants-in-chief, six held the rank of earl while twelve were listed as barons. This trend continued during the reigns of James IV and V. In 1491 six earls and seventeen barons attended parliament and in 1528 the numbers for each were nine and nineteen respectively.
[121] These were non-royal burghs in which special rights of jurisdiction existed. That is, within a number of sheriffdoms lands and accompanying rights of higher jurisdiction were granted by the king to barons or religious corporations. Apart from treason, a lord of regality exercised every regal right of justice, including the four pleas of the crown. Neither sheriff nor justiciar had any rights or power in these areas.

their lords)[122] who attended the sessions regularly thus formed the third estate of parliament.

Since the political significance of the burghs arose from their taxable capacity during David II's reign, this might have enabled them to exercise a considerable amount of financial pressure as leverage upon the other two estates or upon the crown, but this was never effectively utilized due to the fact that most of the Scottish kings of the fifteenth and early sixteenth centuries rarely taxed their subjects. Thus, while the burgesses became a permanent estate in parliament from the fourteenth century, they did not develop into an English-style lower house.

While attendance at parliament was the obligation of anyone who had received a special precept or writ it became increasingly apparent that not everyone was attending. Cost, distance, bad weather and the harvest kept some of the lesser landowners at home. Hence meetings of parliament were usually dominated by the prelates, greater magnates and royal officials. Consequently there began a practice whereby "power [of parliament was] comittit be the hale thre estatis to certane persouns undirwritin to avise common and conclude uppon the materis eftir folowand"[123] while the other members went home. These commissions were relatively large and included, at times, over fifty members, all of whom were representatives of the three estates. Specific functions of parliament were also appointed to committees which would

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[122]Rait, p. 249.
[123]*APS, II*, p. 89.

assist with the work of the existing session. Their results were then reported back to a later meeting of the same parliament.'[124]

Judicial powers of parliament were delegated to two committees: one dealing with causes and complaints and the other with the 'falsing of dooms' (that is, the reversal of judgments from the lower courts). Discussion of upcoming legislation would be given to a committee which would frame 'articles' for the subsequent approval of the three estates. This latter development existed under James I and was, by the reign of James V, formalized under the committee of the articles (or lords of the articles). It was a small committee, usually composed of nine to twenty members, each from the three estates.

During the minority of James V general councils (which had been remarkably absent, or at least minimal in the previous two reigns) were revived and tended to merge in association with the privy council and lords of the articles so that differentiation between their activities is difficult to determine. Their deliberations are outlined in the *Acta Dominorum Concilii* which indicate that during his

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[124]There has been some doubt as to whether or not the parliaments of James V, and those of his predecessors, were separate parliaments or merely different sessions within one parliament. N. Wilding and P. Laundy in *An Encyclopedia of Parliament*, (London, 1972) make no such differentiation and consider the parliaments of all Scottish kings up to James VI as consisting of one parliament for the entire reign. This thesis, however, disagrees with the above English historical interpretation and is in accord with recent Scottish historians (see Nicholson) who assume that each of the parliamentary meetings during a reign was indeed a separate parliament.

minority "commissions of parliament were sometimes composed solely of members of the privy council."[125] By the end of James V's reign the committee of the articles gained even more power and acted as a commission with full powers. Hence an entry in the parliament of 1535:

> becaus there is mony actis statutis and constitutions to be maid for gude reule and police to be had within this realme and amang all our soverane lordis liegis bayth spirituale and temperall quhilk can not be haistely done And it was bayth tedious and sumptuous to the haile estatis to byd and remane thereupon Heirfore oure said soverane lord...hes gevin to the lordis of articulis fornamyt full power of parliament To devise and mak sic actis statutis and constitutions for gude reule...And quhatever thai ordane or statutis to have the same forme strenth and effect as the samin war maid and statut be all the thre estatis beand personaly present.[126]

Despite these innovations and developments Scottish governmental institutions remained less complicated than those in England or France because Scotland did not have as great a need to develop a highly centralized government. Financing foreign wars and absent kings with continental ambitions were not common circumstances in medieval Scottish kingship which, consequently, relieved much of the pressure for institutional development. Scottish kings' dependence upon their magnates for local government, the lack of a paid army, and the fact that Scotland was a much poorer country were also contributing factors.[127]

The kings of Scotland had to rely on their earls and barons, as heads of lay society, to act as royal

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[125] Rait, p. 363.
[126] *APS*, *ii*, p.340.
[127] Grant, *Independence and Nationhood*, p. 170.

representatives in the localities and as recruiters for the army. In return for their collaboration loyal magnates were confirmed in their lands and lordships from which they derived their power and influence. The patronage which originated in the monarchy and the services the nobility rendered in turn thus served to foster a relationship that was based upon mutual conciliation and cooperation rather than confrontation.

Lack of taxation was another important element which kept Scotland's institutions comparatively undeveloped. The chief point of Scottish constitutional theory emphasized that the king was expected to 'live of his own'; any royal expenditure, beyond the king's revenues, was regarded in normal times, as an 'oppression to the people'. It followed that special taxation was regarded as abnormal and would only be used for extraordinary occasions, such as war, ransoms, or the king's marriage, and would require parliamentary approval. Nevertheless:

> although the consent of the Scottish parliament... was necessary [in such cases], from the fourteenth century, parliament was never thereafter able, until its last days, to use 'the power of the purse' to put pressure on the crown... between the fourteenth and seventeenth century taxation was rare and usually so modest that the opportunity of using finance as a lever hardly ever occurred.'[128]

Without financial pressure "the problem was rather to persuade people to turn up than to persuade them to modify their demands."[129]

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[128]Gordon Donaldson. *Scotland: The Shaping of a Nation.* (London, 1974), p. 97.
[129]Jennifer Brown. "The exercise of power." in *Scottish*

Despite poor attendance of the lesser landowners and the dominance of earls and barons, royal officials and prelates, parliament was still a very important institution with a wide range of business to consider. Its acts and ordinances could vary from a treaty with England or France to setting market days for selling flesh and bread. Parliament exhibited, as Alexander Grant states, an "all-pervading utilitarianism."[130]

It is difficult to assess, however, exactly who initiated the legislation of parliament. One Scottish legal historian maintains that "answers are not at present possible or... can only be tentative."[131] But it becomes apparent, especially during the reigns of strong and aggressive kings, that much, if not most, of governmental legislation was derived from the monarch. Ranald Nicholson concludes that during the reign of James I, "so far as legislation was concerned, it was James who kept the initiative."[132] This study will attempt to show that this was also the case with James V.

Yet, the Scottish parliament was not the "mere court of registration for the actions of the party in power"[133] which Rait ascribed to it. Parliament took action concerning James II's financial activities and repeated criticism of James III's 'lack of governance' arose in no less than six of his

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[129](cont'd) *Society in the Fifteenth Century*.p. 45.
[130]Grant, *Independence and Nationhood*, p. 169.
[131]James Robertson."The development of the law." in *Scottish Society in the Fifteenth Century*, p. 145.
[132]Nicholson, p. 304.
[133]Rait, p. 33.

parliaments.'[134] As Brown concludes, parliament did not regard "itself as existing simply to represent the royal will... [and] it is extremely unlikely that parliament was a subservient body."'[135]

Parliament ordained measures which were intended to enhance the 'weill of the realme' and it was the duty of the local official to enforce any act or ordinance'[136] and to announce it to the general public:

> it is divisit and ordanit that proclamatiouns be maid at the principall merkat crocis of all the schiris of the realme and uthir placis neidfull... Oure soverane lord hes Ordanit that the actis of parliament maid be his hienes be publist outhrow all his realme And that all schereffis stewartis ballies provostis and ballies of burrowis and otheris his liegis may have the copyis thareof and pretend na Ignorance throw misknawing of the samin.'[137]

Procedure for implementing local administration and legislation was usually by 'letters' issued out of chancery by request of king and council. These letters would be sent to "all schereffs, balzeis, stewartis, provestis, aldirmen, and balzeis of burrowis, and to all stewartis and balzeis of regaliteis within the realme"'[138] concerning any issue of importance to the localities. They could include summons to parliament, appointment to office, royal pardons or reprieves, brieves (a writ or precept issued from chancery

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'[134] *APS*, *ii*, p. 42, 103, 104, 139.
'[135] Brown, p. 46.
'[136] Throughout the governmental records of both the Scottish parliament and the Lords of Council in Public Affairs, there was no differentiation between the terms act, statute, and ordinance. According to Rait this differentiation was not made until after the revolution of 1689. (Rait, p. 419)
'[137] *ADC*, p. 383, *APS*, *ii*, p. 379.
'[138] *ADC*, p. 382.

in the sovereign's name) for initiating lawsuits or setting market days or prices in the burghs.

Much of parliamentary legislation reflected the policy of the king and his council. During the reign of James I an unprecedented number of statutes were passed which dealt with virtually every aspect of Scottish life from economic and social matters to affairs of state. For the most part, his successors followed this example and continued to strive for the well-being of the population. Several acts were repeated and enlarged upon in succeeding parliaments with the result that some common 'concerns' emerged.

Taken as a whole, the parliaments of the fifteenth century indicated "a continuous desire for the improvement of justice."[139] This was illustrated in several acts which proposed increased efficiency in the administration of the law through reform of legal procedure.[140] There was also, in the parliaments of James I, II, and III, a "sustained movement for the creation of a permanent supreme court."[141] This movement resulted in the creation of the Court of Session.

An act of March 11, 1426 ordained that the king's

> chancellare and with him certane discret personis of the thre estatis... [were to] sit...thre tymis in the yere [to] knaw examyn conclude and finally determine all and sundry complaynts, causis and querells that may be determined befor the kingis consal.[142]

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[139]Robertson, p. 143)
[140]*APS, ii*, p. 10, 17-18, 20-22, 36,37,97,105,111, 144, 177.
[141]Robertson, p. 146.
[142]*APS, ii*, p. 11.

In 1458 these parliamentary committees, known as 'sessions', were ordered to sit three times a year. During the reign of James III session business was transferred to the king's standing council in civil causes and by James IV's reign a 'dayly council', having the same powers as the lords of session, was created as a supplementary civil court intended to give faster and more effective access of justice to the "pure [poor] folkis". During the minority of James V, however, there was still no clear division between the judicial functions of the council and its general affairs.

Nevertheless, a council ordinance of 1527[143] set up new regulations and outlined the procedure of the session. The most important regulation was the first, which restricted the session to those who had been selected to serve upon it; the session was finally "becoming a more specialized branch of conciliar activity."[144] The establishment of the College of Justice in 1532 did little more than develop and give greater precision to current practice.

Thus, what began under James I as an expedient to alleviate some of the pressure from a heavy burden of petitions to the king and his immediate councillors, evolved through the parliaments of his successors into a professional and regular body to administer civil justice. James V merely provided the money with which to endow the court and pay the judges.

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[143] *ADC*, p. 272-3.
[144] R.K. Hannay, *The College of Justice:Essays on the Institution and Development of the Court of Session.* (Edinburgh, 1933.) p. 33.

Indeed, James V's legislative programme adhered to the traditional policy of his ancestors by enacting measures which embraced both national and local issues. Economic, social, and judicial ordinances provided the same kind of 'paternalistic concern' for the governed population of Scotland and several statutes passed in his parliaments were repetitions of previous acts. Nonetheless, he maintained a uniqueness by utilizing parliament as an essential ally in order to exploit the wealth of the church and to re-establish law and order after the turbulent and factious years of his minority. As we shall see, the acts of parliament and council ordinances which were passed during his reign effectively indicate that James V's governmental policy, during the fourteen years of his personal rule, was continually motivated by financial concerns.

IV. Chapter 3

Information on the governmental legislation of James V is derived from two sources: the *Acts of the Parliaments of Scotland* and the *Acts of the Lords of Council in Public Affairs*. The former is a record of the laws of the kingdom as enacted by the king and parliament, and remain distinct from the Acts of the Lords of Council in which privy council, Court of Session, general council and exchequer matters are included. No part of the original records of parliament exist for the reigns of James I and II. The statutes of these two sovereigns, as printed in Volume II of the *Acts of Parliament*,[145] have been obtained from "a collation of several old transcripts with the first printed edition [of the acts of parliament] of 1566."[146] The existing series of original parliamentary records commenced in 1466 and are also reproduced in Volume II.

"Up to 1560, it had been assumed that all acts were the acts of the sovereign in parliament"[147] and therefore the format of an act or statute[148] was usually introduced in such a way to convey this: "It is statute and ordainit be the kingis grace and his thre estatis of parliament..."

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[145]Since this thesis is concerned with the parliamentary legislation of James V, with reference to statutes passed during the previous four reigns, it is limited to Volume II (1424-1567) of the *Acts of Parliament* and does not attempt to utilize parliamentary evidence prior to 1424.

[146]*Acts of the Parliaments of Scotland*, Volume I, Preface, p. 18.

[147]Rait, p. 435.

[148]As mentioned previously (see Chapter 2, n.136), there was no differentiation between the terms act, statute or ordinance in the parliaments of James V and his predecessors.

Most of the statutes of the Stewart kings began in this way. Before the reign of James III, however, the acts themselves were fairly short in length and did not contain a preamble which outlined or explained why the act was necessary. By the reign of James V, and especially during the later years of his personal rule, almost every statute had a preamble and was relatively lengthy.

Of the eighteen parliaments of James V's reign, nine were held during the king's personal rule. Within these nine parliaments 125 statutes were passed which dealt with major affairs of the kingdom. Hence, measures pertaining to the church, law and order (including legal procedure), finance, rural legislation, military concerns and burghal affairs were ratified. These were common concerns and, as a result, several acts of parliament during James V's reign were repetitions of those from the reigns of James I, II, III and IV. Those monarchs passed much the same number of statutes (157, 139, 168 and 143 respectively)'[49] on many of the same issues.

James V adhered to this tradition: out of the 125 statutes passed during his personal rule, twenty dealt with church matters, thirty-six with law and order, fifteen with finance, twenty-one with rural legislation, thirteen with military and defense, eighteen with the burghs and two with

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'[49]Although this is a crude statistical method it, nonetheless, gives some indication of the amount and length of legislation specific to each of the Stewart kings since James I.

miscellaneous matters.'[150]

These areas of concern were also reflected in the Acts of the Lords of Council which approved ordinances pertaining to the general business of government. The *Acta Dominorum Conciliii* contains royal letters, council ordinances, church matters, petitions, court actions and decrees, as well as local complaints; in short, anything which dealt with the day-to-day affairs of the kingdom. As these council measures were often temporary and provisional they tended to be more specific than the statutes. The council, in effect, provided a parallel means of government. Its legislative powers were patently extensive and, as Gordon Donaldson concludes, "the line of demarcation between the legislative powers of council and those of parliament is hard to find."[151] Parliament maintained exclusive jurisdiction in cases of treason and forfeiture, however, and because of its formality and personnel "was believed to confer a quality of permanence."[152] This 'authority' of parliament was indicated in an act of 1540 where the authorization of some statutes which had been previously 'unpronounced' was confirmed:

> [It has been] divisit statut and ordainit that the saidis actis be now pronuncit In his hienes presence and thre estatis swa that the samin may be kepit in tyme tocum as law In this realme with auctorite of the hale body of parliament.'[153]

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[150]This is a rough thematic break-down of the contents of the statutes although it is by no means a rigid one; in some cases the subject matter in several acts could overlap.
[151]Donaldson, *James V - James VII*, p. 288.
[152]*Ibid*, p. 288.
[153]*APS*, *ii*, p. 356.

Thus, through the use of both these legislative bodies James V was able to pursue a consistent policy which was reflected in their acts. The rest of this chapter will consider the king's governmental policy as revealed by parliamentary and council legislation in particular. This will be dealt with thematically, beginning with financial matters, followed by James's church legislation, law and order (including improvement and alterations in legal procedure), rural legislation, military and defensive measures, and, finally, burghal concerns. The king's personal influence, particularly in council, will also be discussed.

Financial matters were obviously a pressing concern. Crown revenues were severely depleted when James V attained his majority and various attempts to eliminate problems connected with them were proposed by giving the comptroller more firm control over expenses. An act of council of 1528 stated:

> As the king has been 'gretlie scaithit' by 'browstaris, baxtaris, flescharis, catouris and uthiris byaris of furnissing' for his house giving in higher prices than they paid in the market, henceforth the Comptroller or his factore and servants shall purchase fish, flesh, wheat, malt and the like.'[54]

Robert Colville, who was comptroller under Angus, retained the office and Sir Robert Cairncross ,provost of Corstorphine, was appointed treasurer in July 1528. In

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[54] *ADC*, p. 281.

August 1528 Colville entered into an agreement with the treasurer who was to lend him £2000 so that he could support the household for one year from the king's property with assistance from the loan.[85] The king himself stipulated that pensions and gifts out of the casualty and property given in his minority were not to be acknowledged and that

> ye admitt nane syk nor nane uthir small tecatis of ouris that ar incontrar our profyte, accepe penciones of our ordinar officis or othiris syk giftis as ye sall think suld be admittit be resonable caus.[86]

This was re-emphasized in parliament in September 1528:

> the kingis grace... hes concludit statut and ordanit that in tyme tocum na dispositioune of ony ward mariage remissioune or ont other thingis be langand our soverane lordis casualtie be disponit fra this furth bot be avis of his treasurer and the signator thereof to be subscrivit with his hand.[87]

Unfortunately these efforts had little effect upon revenue.

By February 1529 Colville complained to the lords of council that the king's property could not sustain the household expenses owing to

> the surfalt expensis maid this yer in [the] hous throw occasioun of truble that hapnit in [the] realm and throw the greit dertht that it raisit apoun flesche, fische and all uthir thingis.[88]

The king had hoped to obtain 1000 merks[89] by holding a justice ayre but it was postponed and the treasurer became so far superexpended (that is, when expenditure exceeded receipts) that he was unable to pay the £2000 loan to

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[85] *ADC*, p. 281-82.
[86] *Ibid*, p. 282.
[87] *APS, ii*, p. 328.
[88] *ADC*, p. 304.
[89] The merk (mark) was equivalent to 13s 4d.

Colville.'[160] In March the king was reduced to borrowing 2000 merks from George, earl of Huntly to help furnish the expenses of Thomas Erskine, the king's ambassador.'[161]

When peace with England was finally signed in 1534 and Scotland itself was becoming more peaceful, James V's efforts in alleviating his financial difficulties became more apparent. One area was in the tightening of accounting procedure, which again shows up in the legislation. Thus, an act of parliament in 1535, which was repeated in 1541, stipulated

> that all scheriffis Stewartis custumaris chamberlains and otheris Intromettoris with oure soverane lordis propirtie Compere at every chekker quhare it salbe haldin for the tyme and mak thair Comptis and full payment Eq. with the rollis befor thare departing ... under the pane of warding of thair personis thare to remane during the king's will.'[162]

Revenue from the king's lands began to increase from 1535. In that year the net revenue was £5,358 and by 1539-40 had risen to £9,325. It was in 1542, however, that net revenue was at its highest; probably around £15,000.'[163]

The lands of the royal estate were built up through two methods. One was annexation. From the reign of James II crown lands were to be of two categories:

> 'annexed lands', which were inalienable... save with the consent of parliament... and were to be retained with the crown for the support of the crown, and

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[160] *ADC*, p. 304.
[161] *R.S.S. Vol. II, 601.*
[162] *APS, II*, p. 346.
[163] All figures are taken from Athol Murray, "Crown Lands 1424-1542." in *An Historical Atlas of Scotland c.400-c.1600.* Edited by Peter McNeill and Ranald Nicholson. (St.Andrews, 1975), p. 73.

> 'unannexed lands' of which the king could dispose at his pleasure.'[54]

An act of annexation in 1455 further stipulated that the king and his successors, at the time of their coronation, took an oath to observe and to keep this distinction. The second method was through revocation. This was a customary practice in Scots law where the king, at any time before he reached his "perfect age" of twenty-five years, could revoke any grants made to the crown's prejudice during his minority.

James was active in both. Hence, in 1528 parliament issued a general revocation of all

> giftis, sealis and assignationis maid be his hienes... of his propirtie... [so that] his hale propirtie be Inbrot to his comptrollar for the furnessing of his maist honorable houshald.'[55]

Revocation was regarded not only as the king's duty but also as his right.'[56] Upon attaining his twenty-fifth year, James V made his revocation in April 1537 while at Rouen after his marriage. It was thereafter ratified in the December parliament of 1540.'[57]

In the same parliament the king issued an act of annexation legalizing and attaching permanently to the crown those lands and lordships which he then had in his hands including those additions which had been acquired during his

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[54]W.C. Dickinson, G. Donaldson, I.A. Milne.(eds) *A Sourcebook of Scottish History Vol. II 1424-1567*. (London, 1953), p. 15.
[55]*APS, II*, p. 329.
[56]Murray, "Exchequer and Crown Revenue", p. 201.
[57]*APS, II*, p. 357. No 'official' reason was given for the delay but the king had been presumably too busy with his marital arrangements to enforce an immediate ratification.

reign. The crown thus held the following lordships and estates: The Isles, South and North; the two Kintyres, the lands and lordships of Orkney and Shetland, those of Douglas, Crawford Lindesay and Crawford John, Bunkle, Preston, Tantallon, Dunsyre, Jedburgh Forest, Kirriemuir, the superiority of the earldom of Angus, the lands and lordship of Glamis that were not held by the church, the lands of Baky, Balmukatys, Tannades, Drumgleis, Langforgund, and Balhelvies, lands of Racleuch, Whitcamp, Over and Nether, Howcleuch, lands and barony of Avondale, those of Liddesdale and Hermitage and those of Bothwell.'[16] In March 1541 the lands and lordship of East Weymss and all other lands belonging to James Colville were also annexed to the crown.'[17]

Parliament, in March 1541, granted the king the right to set these new lands in feu:

> Statute and ordanit... that it salbe lesum to his hienes to sett all his proper landis baith annext and unannext In fewferme to ony persoun or personis as he plesis swa that It be not in diminitioun of his rentale grasumes or ony other dewiteis bot in augmentatioun of the samin.'[18]

Lands in feu were held on a perpetual heritable tenure in return for a fixed annual money-rent. The "augmentation" referred to in the act was interpreted as meaning not merely that the feu-duty (annual payment) should exceed the former rent but that there should be an actual increase in the

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[16] *APS, ii*, p. 361.
[17] *Ibid*, p. 376.
[18] *Ibid*, p. 376.

average annual revenue from the lands.'[71]

Many of the lands were given away to various magnates and lords. However, there was an indication that James V did not wish these lords to have an excess of estates. In a letter, in 1539, of instructions from the king to the commissioners of his lands in Ross, Ardmanach, Trouternes, Strathdee and Cromar, it was stipulated that those "gentillmen" who had held the same lands during the king's own time and that of his father's, were to be allowed leases but only for the amount of land that "thai may laboure with thare awne pleuch and labouris, and nocht to be sett to subtennentis."[72] Any lands in excess of this were to be let to the tenants occupying the ground.

Letting lands in feu-ferme did bring a short-term advantage but the feuars themselves were the ultimate beneficiaries. They enjoyed a secure and heritable possession of land that was increasing in value (due to rising produce prices) while the crown received the same amount of rent in the face of rising costs.'[73]

In addition to rents received from crown lands, some of the lands were farmed directly for the king himself although few records of the actual management are extant.'[74] The king, however, did have flocks of sheep in Ettrick Forest, Thornton, Preston and Bunkle and upon Crawford Muir. The

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[71]Murray, "Exchequer and Crown Revenue", p.201.
[72]*ER, Vol. XVII*, Appendix, p. 662.
[73]Murray, "Crown Lands", p. 73.
[74]Murray, "Exchequer and Crown Revenue", p. 173.

comptroller was responsible for the safe custody of the sheep, paid for the shearing and saw to the transport and storage of the wool which was sent for export.'[175]

James V's attempts to raise revenue went beyond simply augmenting his own personal lands. One of the most effective means by which the king increased the contents of the royal coffers was by tapping the wealthiest institution in the country: the church. His ultimately successful exploitation of the papacy was nothing short of blackmail and it was achieved with full support from the three estates of parliament.

It began innocently enough in 1530 when the king was actively seeking a means to increase his revenue by securing a European bride. These negotiations were not as successful as he had hoped. Both Albany, his commissioner in France, and Sir Thomas Erskine, his secretary, were kept busy attempting to persuade the pope, Clement VII, to part with his ward and kinswoman, Catherine de Medici, duchess of Urbino. Francis I, who at first supported the match, became apprehensive that if negotiations succeeded he might lose the support of Henry VIII by giving James too good a match.'[176] Consequently, he put forward his own second son, Henri, duc d'Orleans, as a more suitable match for Catherine, and Clement, for his part, had no problem in accepting this substitute. When Erskine arrived in Rome in

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[175] *Ibid*, p. 175.
[176] Donaldson, *Scottish Kings*, p. 161.

February 1531 he soon discovered what the French king was up to and another imperial match suitable to all parties was proposed. At this point, however, the negotiations took an interesting turn.

Clement was well aware of the Scottish king's dire financial straits and, upon Albany's suggestion, wrote to the Scottish prelates on July 9, 1531 asking for their opinion of a proposal for an ecclesiastical contribution of 10,000 *ducats* a year (about £10,000 Scots) to the Scots crown in perpetuity. The immediate motives behind this proposal are vague. Gordon Donaldson describes it as a papal compensation to James V for the pope's refusal to give Catherine de Medici in marriage to the Scottish king.''' R.K. Hannay places the emphasis upon the renewal of a commercial treaty with the emperor (for a continuation of the liberties and privileges accorded to Scots merchants in the Low Countries) and that the contribution was to help in the fulfillment of this treaty.''' In the long term, it was probably aimed at keeping James true to the church of Rome.

In any case, without waiting for a reply from the Scottish prelates regarding this permanent subsidy, on July 17, 1531 Clement imposed a tax of three tiends (a levy of one-tenth for three years) on all ecclesiastical fruits. The avowed motives for this tax were the menacing aspect of the times, a lack of temporal revenues and an imperative need of

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'''Gordon Donaldson, *Scottish Kings* (London, 1967), p. 162.
'''R.K. Hannay. "On the Foundation of the College of Justice." *Scottish Historical Review*. Vol. XV, 1918, p. 35.

financial help from the spiritual estate.'[178]

A pretext, however, was found for the permanent subsidy. On September 13, 1531 another bull was issued stating that Albany had represented the king's earnest desire to establish a college of judges and that, because there were no funds readily available, the pope was asked to impose a subsidy upon the prelates. Due to a general concern for civil justice it was assumed that the prelates would willingly contribute. A concession, nevertheless, was made; half the members, as well as the president, of this college were to be churchmen. Thus, so long as James V and his successors remained true to Rome, the prelates should contribute annually a sum of 10,000 *ducats* of gold of the *camera*.'[179] This became known as the 'great tax'.

Despite rather strong clerical opposition, James did obtain approval for the great tax from the prelates, and when parliament met in May 1532 the customary and initial act for the conservation of the liberties of the church was far more elaborate than usual:

> pape clement now pape of Rome has bene mair gracius and benevolent till his grace than to all his forbearis Quharfor to schaw him thankfull and obedient sone to his halynes and the kirk of Rome It is divisit statut and ordanit... That he sall keip observe mainteine and defend the auctorite liberte and fredome of the sete of Rome and halikirk.'[180]

James followed this with an act which did not actually institute the College of Justice but merely described what

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[178]R.K. Hannay, *The College of Justice*, p. 52.
[179]*Ibid*, p. 53.
[180] *APS*, *ii*, p. 335.

the money was to be used for, thereby justifying the taxation:

> Becaus our soverane is maist desyrous to have ane permanent ordour of Justice for the universale wele of all his liegis and therfor tendis to Institut ane college of cunning and wise men baith of spirituale and temporale Estate for the doing and administracioun of Justice In all civil actions and therefor thinkis to be chosin certane persouns maist convenient and qualifyit therfor to the nowmer of xiij persons half spirituale half temporall with ane persident... the... choisin persouns... sall have the samin strenth, force and effect as the decretis of the lordis of Sessioun had in all tymes bigane.'[102]

Thus, the foundation of the College, which was nothing more than the Court of Session under a new appellation, was the pretext for the great tax.

The churchmen, however, did procure some financial alleviation. The final agreement stated that instead of the annual £10,000 the prelates would pay a 'lump sum' of £72,000 to be paid in the next four years and which was at the disposal of the crown. As part of this bargain for the removal of the great tax, there was to be

> a yearly sum of £1400 - payable not by the prelates but out of benefices in their patronage, as soon as these fell vacant... [the] money was to be distributed among the Lords of Session in proportion to their attendances.'[103]

In effect, this provision left the college with a very much weakened endowment but freed the crown from any further obligation to supplement the £1400.'[104]

What was collected of the £72,000 went instead to building

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[102] *Ibid*, p.335-336.
[103] Hannay, "On the Foundation of the College of Justice", p. 41.
[104] Hannay, *The College of Justice*, p. 67.

and improving the royal palaces and castles of Edinburgh, Falkland, Holyrood, Linlithgow and Stirling.'[85]

In the autumn of 1534 Clement VII died and it was not until spring 1535 that his successor, Paul III, issued a bull creating the College of Justice. Only in 1541 was this bull finally confirmed and ratified by the Scottish parliament. The opening nine statutes of this session served to maintain the religious status quo, the basis of which was made clear by the tenth act; the ratification of the institution of the College of Justice. Thus, honouring the holy sacraments, worshipping the Virgin Mary, obeying the pope's authority, reforming "kirkis and kirkmen", informing upon those who gathered privately to dispute the scripture, and honouring and preserving the image of saints were concessions to the papacy in order to maintain various crown privileges.'[86] In short, extorting money from the prelates through taxation was justified by the existence of the College of Justice.

James, however, was not finished with appropriating church revenues. Scottish-papal relations up to this point followed previous practice. Whenever a benefice became vacant the king, after a period of eight months,[87] recommended a nominee and the pope, in most cases, agreed. James V, adhering to past tradition, utilized this control

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[85]For a detailed account of this see *Accounts of the Masters of Works Vol.I 1529-1615*. Edited by H.M. Paton, (Edinburgh, 1957).
[86]*APS, II*, p. 370-71.
[87]In 1535 this right of nomination was extended to twelve months. *Letters of James V*, p. 285.

over appointments to benefices as patronage for civil servants and loyal magnates while, at the same time, he drew the revenues of the temporalities until the office was filled. This situation was not entirely accepted by the papacy or the prelates who were unhappy at what they saw as increasing royal encroachment.

The king, however, seems to have wanted to increase his control. Accordingly, when relations between his uncle Henry VIII and Clement VII collapsed he exploited the situation; royal nominations to vacant benefices were to be upheld and James used this privilege extensively despite clerical complaints. Sir David Young, in April 1531, was condemned for obtaining the vicarage of Tibbermure by purchasing it at Rome contrary to crown privilege and acts of parliament. Young complained that

> sic thing was nevir pratikat within this realme in tymis bigane, bot usit and suffrit without impediment baith in our soverane lordis fatheris tyme and in his awin... [the decision was] against all law, justice, conscience and equity, and it tends to the exterminatioun of the papis power.'[88]

Again legislation was used to bolster the king's position. In 1541 parliament condemned those who attempted to take up a benefice upon their own authority of treason and lese-majesty.'[89] The king, therefore, with both papal and parliamentary approval increased his control over nomination and quickly began to abuse the privilege by recommending nominees who were neither competent nor capable of

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[88] *ADC*, p. 354-56.
[89] *APS, II*, p. 378.

exercising the office.

In January 1530 James informed Clement VII that although "youth may be an obstacle to the holding of a benefice... a father's deserts and a son's promise often demand that the rigour of the law should be relaxed."[190] His candidate for the appointment to a benefice of cure was John, the six year-old son of George Steil, a special favourite of the court and household.

The king remained in a position to force further concessions from Rome:

> As I have three illigitimate sons, I am obliged to confess to your Holiness that the fault is my own... Yet the natural fatherly affection... urges every man to have regard for the welfare of his offspring... We therefore beg your Holiness that, notwithstanding their defect of birth, they may... be duly promoted to all holy orders... and that at present, notwithstanding their minority as well as their defect of birth, they may, after receiving the clerical character, hold any church dignities whatsoever, either secular or regular of any order, in title or commend, even two, three, four or more incompatible benefices, and greater dignities *post pontificales* in cathedral and metropolitan churches and in the first dignities in collegiate churches, and also monasteries, abbeys and priories (deputing coadjutors therein until they reach mature years).'[191]

Clement granted this request and in March 1538 James recommended yet two more natural sons to benefices. In all the king was able to supplement his income by drawing the revenues from the abbeys of Kelso, Melrose and Holyrood, the priories of St. Andrews, Perth and Coldingham and the Charterhouse at Perth;[192] all benefices to which his

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[190] *Letters of James V*, p. 166.
[191] *Sourcebook of Scottish History*, p. 89-90.
[192] *Scots Peerage Vol. I*, p. 23.

illigitimate sons had been appointed.

Although the king saw nothing wrong in manipulating the church in this way he was inclined not to allow the same privileges to his own prelates. When the abbots of Dryburgh and Balmerino attempted to resign their benefices to their own natural sons the king asked the pope to refuse consent and to put a stop to the project on the grounds that it was a "scheme scandalous for the church and king."[193] Any intervention without royal assent was a personal affront; James would "not suffer his subjects to undermine the royal power instead of recognizing and respecting it."[194]

Despite his blatant exploitation of the church on many levels, James's actions were not wholly cynical. He does seem to have shown some concern for the well-being of the Scottish church, as indicated by various acts of council and parliament. In particular, James attempted to uphold the true faith by enforcing sterner measures against heretics:

> Memorandum to persuaid the kingis grace to extend the act of parliament maid contrar the Lutheranis be the avis of the lordis of counsal in the maist ample forme for stanching and putting done of this heresy and to caus diligent inquisitioun be maid baith be spirituall and temporale for distroing of thir new bukis maid be the said Lutheris sectis baith in Latyne, Scottis, Inglis and Flemys...
> Item to put in ilk burgh on the see and uthir gret tounis of the realme jugis criminall to punetis sic trespassouris quhair thai ar fundin baith in persoun and gudis, and to assit to the spirituall jurisdictioun for executioun making apoun sic personis.'[195]

The king himself, in a royal letter, charged the council to

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[193] *Letters of James V*, p. 286.
[194] *Ibid*, p. 393.
[195] *ADC*, p. 422-424.

provide the "scharpast way possible" to prevent the spread of Lutheranism. As a result, several men were banished from the kingdom while others were burnt, some in the king's presence.'''

Parliament, in 1535, reinforced these recommendations by repeating a previous act passed in 1525 "aganis heretikis" with the addition that no stranger arriving in Scotland was to bring with him any Lutheran books or works, nor was he to dispute or discuss those opinions.''' That these opinions existed is indicated in a statue of 1535 where

> the dampnable persuasionis of heretikis and thair pervsit doctrine gevis occasioun to lychtly the process of cursing [excommunication] and uther censuris of halikirk. '''

With the advent of the reforming doctrines these censures, which would have previously been dreaded or at least taken rather seriously, were being either dismissed, ignored or derided; for a great number of people, being excommunicated was no longer an event to be feared. This statute also points to the increasing financial difficulties facing the prelates due to the various taxes imposed upon them by James V. Previous methods of punishment were no longer effective. Those who sustained the sentence of cursing were, according to the act, to have their moveable and immoveable goods distrained, now by the authority of the

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'''*A Diurnal of Remarkable Occurents...* Edited by Thomas Thomson. (Edinburgh, 1833), p. 18-19.
'''*APS, ii*, p. 341.
'''*APS, ii*, p. 342.

king's letters. Thus the clergy were not only losing revenue but their authority and jurisdiction was also lessening in importance and effectiveness.

In February 1538 a list of bulls issued by Paul III of "certane privileges grantit be his halynes to his hienes"[199] were to be registered. They neatly sum up the important favours which the Scots king had extracted from the papacy since he had begun his personal rule:

> ane bull of perpetuale extension of the privilege of nominatioun of the kirkis and abbacyis for ane hale yer eftir the vacance of the samin, ane bull of indult for uptaking of the fruitis of the kirkis and abbacyis for ane hale yer eftir the vacance, ane process and executrials tharupoun, ane bull of confirmatioun of the College of Justice with exemptioun and faculte of sustentatioun of the samin, [and] ane bull of dispensatioun of the kingis gracis naturale sonis.[200]

In return for these favours the king and parliament substantiated and attempted to perpetuate Catholicism in Scotland. The papacy, in effect, 'purchased' Scottish obedience.

James's concerns with the church were not solely financial and had other more political ends in mind. In his correspondence with Rome he reiterated Scotland's loyalty to the true faith and his own precautions taken to prevent the entry of heresy into the realm. As such he was justified "in seeking from the pope and cardinals honourable and salutary privileges which are not likely to injure the Roman see."[201] The king, therefore, asked Clement to appoint "an upright

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[199] *ADC*, p. 466.
[200] *ADC*, p. 466.
[201] *Letters of James V*, p. 174.

and god-fearing Scot" with power *a latere*, to allow monastics to elect their own abbot or prior from the fraternity at royal recommendation without recourse to Rome, and to give James the same briefs regarding fruits of prelacies and other great benefices during vacancy as were granted to Albany when he was governor.[202] One of the more amazing requests was that

> in the case of offences against the royal person which infer a charge of treason [James] may, without incurring the papal indignation, arrest and keep in honourable custody delinquent churchmen, even archbishops, or bishops, until Rome [was] consulted and legates [were] sent to ascertain the facts and pronounce judgment.[203]

This privilege was granted in September 1531[204] thus giving James papal 'approval' when he imprisoned James Beaton, archbishop of St. Andrews, in 1533.[205]

In addition to the strong policy that James took towards the church, as revealed in the statutes, an alternate aspect of his governing policy, and one which followed the example of his predecessors, was genuine concern for re-establishing law and order throughout the

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[202] *Ibid*, p. 171-176. James, however, was not successful in his own lifetime of getting his legate.
[203] *Ibid*, p. 176.
[204] *Ibid*, p. 201.
[205] Even though he was chancellor during James V's minority, upon the loss of that office in 1526, Beaton's political influence in Scottish affairs dwindled. In 1528 James gave the chancellorship to his tutor, Gavin Dunbar, archbishop of Glasgow, an act which undoubtedly caused some resentment on Beaton's part. Beaton's leadership of a somewhat large opposition to the great tax must have done little to endear him to the king. The relationship between these two men was never smooth and, although it lies outside the boundary of this thesis, it is an area which requires further study.

realm. This was indicated by his repeated military expeditions to the more unruly areas of the kingdom as well as his presence upon justice ayres. Parliament and council reinforced the king's interest by passing a substantial number of statutes and council ordinances which dealt with legal procedures, methods of justice and general rules for maintaining peace within the kingdom. Notwithstanding this positive trend there remained, as in almost every component of the king's domestic policy, an undercurrent, sometimes subtle and sometimes not so subtle, of acquisitiveness.

Several statutes emphasized the difficulties in collecting the monetary profits from fines which were to accrue to the crown so that "or Soverane lord hes bene gretlie defraudit be the crownis [crowners] in halding of his last Justice aris."[206]

An act of 1528 stipulated that if an arrested party was unable to pay the fine that the crowners were to

> arrest thair gudis and put the samin in souir keping to the kingis use until the said souirte [payment] be fundin Or ellis tak thair personis and put thame in the kingis castell geif ony be within the schir.[207]

Several acts were passed in an attempt to speed up the slow process of justice courts:

> Because our soverane lord hes bene and Is of gude will and mynd to haif Justice schortlie done to all his liegis Sua that throw lang proces his liegis be not lang tareit and vext In grett expense Therfor has statute and ordanit that all sheriffis and temporale jugis sall in tymes cuming in all personalle actiounis sett thare court peremptourlie

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[206] *APS*, II, p. 331.
[207] *APS*, II, p. 332.

upon xv dais. [208]

Six acts were passed in the parliament of 1540 concerning the office of notary.[209] The emphasis in each stressed the necessity of lawful, quick and effective measures

> for eschewing of the grett Inconvenientis that dalie occuris in the processis led befor sheriffis stewartis balzeis of burrowis and regaliteis and baronis.[210]

In 1535 parliament declared that justice ayres were not to allow any postponement after the second sitting. Those accused who did not compear at the second ayre were to be

> denuncit the kingis Rebellis and putt to his horne and all their gudis his eschete [because they have] abusit the Justice and brot the cuntre to gret expensis.[211]

Criminals were not the only ones who were taking advantage of the judicial system:

> It hes bene hevelie murmurrit To oure soverane lord That his lieges hes bene gretlie hurt in tymes bigane be Jugis baith spirituale and temporale Quha hes not bene alanerlie Jugis bot plane solistaris partiale counsaloris assistoris and part takaris with sum of the partijs and hes tane grete geir And

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[208] *APS*, *ii*, p. 358.

[209] A notary was a 'public and authentic' person who "had authority to draw up a formal and solemn record of acts and proceedings (eg. the delivery of sasine [infeftment], institution to a benefice, the loan of money, etc.) which would be received as an authentic record of what took place." (William Angus. "Notarial Protocol Books, 1469-1700", in *The Sources and Literature of Scots Law*, Stair Society, (Edinburgh, 1936), p. 294.) The earliest Scottish notary appeared in the late thirteenth century. During the fifteenth century there was a great increase in notaries which Robertson ascribes to an increasing professionalism and a growing commercialism which "necessitated the reduction of transactions to writing. The notaries fulfilled these needs and also kept records of the transactions in their protocol books." (Robertson, "The development of the law", p. 148, 149.)

[210] *APS*, *ii*, p. 360.

[211] *Ibid*, p. 350.

profitt.[212]

Henceforth, all judges were to "do trew and equale Justice to all oure soverane lordis liegis." [213] Thus council, in 1533 declared the earl of Argyll not competent to sit as a judge because of his "tendirnes of blude as thrid [third] and thrid of consanguinite"[214] to the accused and in 1535 the sheriff of Ayr and his deputy were forbidden to sit in judgment upon Gilbert, earl of Cassillis, due to the "inemite now standing betuix [them]."[215]

Despite these problems, parliament approved several acts which endeavoured to make local sheriffs more personally responsible for their office. Statutes in the parliament of 1540 ordered sheriffs to be personally present at the three yearly head courts, to appoint "gude and wis substancius men" as their deputies and to produce their own personal signet when executing all letters and precepts from the king. Any negligent official lost his office for three years.

Local barons and landlords were made responsible not only for their own actions but for those of their tenants as well:

> Every lord baroune and frehaldar [is to] ansuer in our Soverane lordis Justice aris for his awine men duelland upoune his awine propir landis... And salbe haldin to entir thame to the law.[216]

Superiors were obliged to produce any man in their service

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[212] *Ibid*, p. 374.
[213] *Ibid*, p. 374.
[214] *ADC*, p. 409-410.
[215] *ADC*, p. 446.
[216] *APS*, ii, p. 332.

accused of theft before the sheriffs and if the superior refused to do so, he was held to be "art and part takar of his [tenant's] evill deidis and [would be] accusit therefor as the principale theif."[217]

This last statute was enacted in 1535 and was repeated in 1541. One could conclude, in view of James V's abiding interest with money, that these acts, although ostensibly concerned with the personal responsibility of superiors for their tenants, were also an attempt to ensure that fines advanced to the crown would be guaranteed; if the tenant refused to appear, his landlord or superior was obliged to, and would therefore also be obliged to pay the fine. This emphasis upon personal responsibility and its monetary profit was visible even earlier than the production of this measure. Thus in 1531 council ordained that "eviry lord, baroun and gentilman salbe haldin to ansuer for thair men" for not bearing any invasive weapons in Edinburgh. It was further stipulated that each superior was to

> pay the said soume for thame and that the provestis, balzeis and officiaris of this toun note ony personis cumand in contrar herof and gif thair names in bill to the thesaurar, so that he may gar the saidis personis for recovering of the saidis soumes apoun thame.[218]

The economic well-being of the kingdom was another subject which required attention. Hence, parliament in 1535

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[217] *APS*, *ii*, p. 351.
[218] *ADC*, p.363-64.

passed the greatest amount of statutes (fifteen in all) intended to improve the general welfare of the populace. Despite Jenny Wormald's claim that "the government did little or nothing to encourage economic development"[329] the year when these acts were passed is important. Peace had been signed with England in the previous year after what can only be described as six years of intermittent, albeit unofficial, warfare. Thus, the rural legislation of this session which ordered landholders to plant woods, make hedges, orchards and yards, fines for anyone caught cutting, burning or felling greenwood, and punishment for those who slaughtered or poached fish, rabbits and other small animals was a deliberate attempt by the government to alleviate some of the consequences of the Anglo-Scottish war.

An act of James I was repeated whereby hostelers were ordered to have

> honest chalmis [chambers] and bedding for resaving of all passingeris and strangeris... with gude and sufficient stabillis with... corne hay and straw for their horses flesche, fische breid and aile with otheris furnessing for travellaris To be sauld apoun ane competent price. [330]

Efforts were made to curtail the prevalence of bands of mounted men (usually magnates and their tenants), not only for law and order but to protect the goods and livelihood of the people at large. Thus, parliament, in 1540, passed an act

that the army of Scotland be unhorsit except greit

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[329] Jenny Wormald. *Court, Kirk, and Community: Scotland 1470-1625*. (Toronto, 1981), p. 44.
[330] *APS, ii*, p. 346.

> baronis [due to] the gret hurt scaith and dampnage done In cuming of multitude of horsemen throw distructioun of cornis medowis and hanyng of pure folkis. [221]

Parliament also made a concerted effort to keep gold and silver within the realm. Two acts, passed in 1535 and again in 1541, forbade the export of money from the realm and any persons hoarding "quhite (white) money" were to exchange it for gold, an attempt to keep silver (in particular) in circulation. All of these statutes were aimed at improving the environment in which the economic activity was carried out and must have had a substantial effect.[222]

Despite this paternalistic trait, the government remained, as Wormald contends,[223] primarily concerned with finance. At the local level, while the acts of 1535 were an attempt to promote economic renewal, the emphasis upon those caught destroying forests, burning moorland or poaching salmon was that the fines for such were to be paid in full. These acts specified that

> It sall not be lesum (lawful) to the treasurer and compositoris in tymes cuming to compone or fyne with the brekaris of this act for less than the pane and unlaw (fine) contenit in the samin.[224]

The crown was obviously concerned as much as possible to make a profit.

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[221] *Ibid*, p. 362.
[222] The only full-length study on the economic aspect of Scottish history for this period is I.F. Grant, *The Social and Economic Development of Scotland before 1603*. (Edinburgh, 1930), and it is rather dated. This is an area in need of further study.
[223] Wormald, p. 44.
[224] *Ibid*, p. 343.

Although Anglo-Scottish relations remained amicable until the last year of his reign, the defense of the kingdom continued to be an important part of the king's governmental legislation as it had been for his predecessors. Hence, it was enacted that weaponshowings were to be held twice yearly and every landed man with £100 of land was ordered to build a stronghold upon his estates, the measurements and materials used adhering to specifications outlined in the statute.[225] James V's desire for Scotland's artillery to be consistent with continental standards was indicated in the preamble to an act of 1535:

> because the schott of gunys hagbutis hand bowis and other small artalyerie now comounlie usit in all cuntreis baith be sey and land in thare weris Is sa felloun and uneschewable to the pith and hie curage of noble and vailye and men...[226]

it was ordained that every man was to be properly equipped according to his status. Acquiring the artillery was the responsibility of the merchants:

> Every merchand saland furth of this Realm... Sall bring hame als oft as he salis... twa hagbuttis or may as his pak may furness with powder and cawmys for furnessing of the samin Or ellis alsmekle mettell as will mak the said hagbutis. [227]

The emphasis upon rank was repeated in 1540 when parliament specified that the armor worn at weaponshowings was to "conforme to every manis Rent and substance."[228] The king's personal involvement in this area was evident:

> That na fraude be maid in making of the said

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[225] *Ibid*, p. 345.
[226] *Ibid*, p. 345.
[227] *Ibid*, p. 346.
[228] *Ibid*, p. 362.

> wapinschawingis and that the kingis grace may knaw the ordour of his peple It is statute and ordanit... that all personis present in wapinschawingis be writtin... In ane buke with the manner of thair harnes and wapnis yerlie... [to be sent] to the kingis grace. [229]

In spite of good intentions these acts were not always obeyed. Council, in 1541, ordered

> that lettres be direct to all scherefis, stewartis, provestis and balleis of burrowis, lordis and balleis of regaliteis makand mentioun that forsamekle as lettres was direct to thame of befor to mak wapinschawingis conforme to the act of parliament upoun the premunitioun of xl dais betuix the daitt of the saidis lettres and the first day of August howbeit thar is na deligence done tharto as the kingis grace is suirlie informit.[230]

Henceforth, "all and sindrie" who received the said letters were to hold weaponshowings "quhidder his hienes sendis commissaris or nane."[231]

Perhaps the area where the king's personal involvement was most notably absent was in burghal legislation. Most of the acts passed during his reign which dealt with the burghs were merely repetitions of previous practice. Although the two parliaments of 1535 and 1541 passed eighteen statutes dealing with burghal matters, there were few new or innovative policies.[232]

As in previous parliaments, the traditional and exclusive trading privileges of the burghs were

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[229] *Ibid*, p. 363.
[230] *ADC*, p. 504.
[231] *Ibid*, p. 504.
[232] Only five or six could be considered new statutes. The rest merely repeated those passed by the earlier Stewart kings.

re-emphasized. Within the burghs themselves parliament ordered maltmakers and craftsmen to lower their prices, that only "honest and substantious" men could be chosen as provosts, baillies or aldermen, and that these burghal officials were to be free of "molestation" from the other indwellers.

Edinburgh was singled out in two acts of 1541. Burgesses living upon the west side of Leith wynd were ordered to

> repare honestlie thair saidis waistis and Ruynous housis... within yere and day [beginning] ...within thre monethis... and specialie quhair thair Is comoun passagis and entrenses quhairby all strangeris and otheris our soverane lordis liegis passis and repassis.[233]

The "mele merkett" was also to be moved from the high gate to a more convenient place where "vyle unhonest and miserable creatoris" could not disturb the "nytboris of the said toun and otheris the kingis liegis."[234]

The remaining statutes of this parliament reinforced earlier governmental policies from the previous four reigns. Measures were to be the same throughout the realm, all burghs must have one universal weight for both buying and selling and three market days were set aside for selling bread and flesh. Forestallers (those who bought up goods before they had been exposed for sale) if apprehended were to have their goods escheated; one half to the crown and the other to the burgh.

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[233] *APS*, *ii*, p. 374.
[234] *Ibid*, p. 374.

Only in council proceedings against disobedient burghal officials was the king's presence evident. In a royal letter to the council Patrick Charteris, provost, and his brother were ordered out of Perth which used to be "ane toune of grete honour, gude fame, and substance", but which was impoverished by Charteris and his accomplices who "usurpand the provestry... yerlie on him be force... [made] his friends bailies and officers."[235] The town council was ordered by royal command to meet at once and choose the Master of Ruthven to be provost, a command which they obeyed "verray gladlie." Charteris was henceforth excluded from residence and office in the town.[236] Otherwise, royal policy seems to have been to leave the burghs to carry on as they were. There was, for instance, no attempt to exploit them financially as the church had been exploited.[237]

Concerning the king's personal input in relation to his legislation, this was particularly obvious in council. Throughout his majority there was an abundance of royal letters requiring the council to carry out royal wishes. Such letters are rare before his reign[238] which seems to

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[235] *ADC*, p. 281.
[236] *ADC*, p. 291.
[237] Although "no clear statement exists to show the principles on which assessment [of taxation of burghs] was based" (Athol A. Murray, "Taxation of Burghs 1535-1556", in *An Historical Atlas of Scotland*, p. 75), the proportion of taxation payable by the burghs was usually less than that payable by the church. This is especially evident in 1535 when the church was responsible for half of the 'contribution' levied for the king's marriage while the burghs were to pay one-sixth.
[238] For example, in the documentation that survives for James

suggest a much more personalized form of government than had existed before (or even after, as during the reign of Mary). The practice was revived, however, during the reign of his grandson, James VI.

The contents of the letters, with some variations, were usually in this form:

> My lord chancelar producit befor the lordis of consell and sessioun thir statutis and ordinancis undir writtin, subscrivit be the kingis grace, and desirit thaim to consider the samin and geif thai think thaim wele consavit and necessar to be observit and kepit in tyme tocum or nocht. Chancelar, president and lordis of our counsale and session, we gret yow hartlie wele. We have thocht thir thingis following necessar for the commoun wele of our realm... and tharfor sendis thaim presently to yow geif ye think thaim gud that thai be auctorizat or uthir wyis left as ye think expedient.[239]

The king would then proceed to outline his desires wherupon the usual procedure was as follows:

> The Clerk Register producit our soverane lordis lettres undir his privey sele and desirit the samin to be registrat in the bukis of counsell and to have the strenth, force and effect of thar decret in tyme tocum: the quhilk desir the saidis lordis thocht resonable and tharfor ordanis the samin to be insert... and that publicatioun be maid tharof at all placis neidfull.[240]

James V's concern with equity for his subjects was evident in his proposal in March 1535 to revive a previous position from the reign of James I for an advocate for the poor:

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[239](cont'd) IV there are only one or two instances of royal letters. See *Acts of the Lords of Council in Civil Causes. 1496-1501*. Edited by G. Neilson and H. Paton. (Edinburgh, 1918).

[239]*ADC*, p. 414.

[240]*ADC*, p. 469.

> Forsamekle as we ar daly infestit be the complant of divers our pur liegis persewand for justice quhilkis ar postponit tharfra in defait of advocatis to procur for thame and thai have na expenssis to do the samin, for remeid tharof we have thocht gud to the honour of god for the help of our said pur liegis that ane man of gud conscience to that effect be chosin be yow quhilk sallbe callit *advocatis pauperum.*[241]

Consequently, Thomas Marjoribanks and Master John Gladstains were "conjunctlie" appointed to the position. That the idea originated with the king is obvious from a further ordinance in April 1535, setting Friday as the day for actions concerning the poor, where it is stated that the king wrote to them "makand mentioun that his mynd is that pur miserable persouns sall have mair hasty expeditioun of justice."[242]

James's motivations, however, for implementing such measures were far from selfless:

> Forsamekle as thar is divers summondis raisit at our instance quhilkis gif thai be supersedit and remain uncallit unto your nixt seit and conventioun, thai ar able to be expirit and we to tyne (lose) large proffitt tharthrow, quharefore we pray you and als chargis that ye mak ane act in your bukis of counsale that all summondis that ar raisit at our instance sic like as pleisis our thesaurar to desir to be callit, be callit now in tyme of vacance.[243]

Money, as always, was never far away from his actions.

The king would also voice dissatisfaction with the council through his letters:

> [We] haf writtin divers tymes for punesing of sic personis [for barratry - buying or trading pensions or appointments from the papacy without royal license] and na thing done in that behalf to our plesour and putting of our actis to executioun... lik as thai had your assistance and favoris in the

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[241] *Ibid*, p. 434-35.
[242] *Ibid*, p. 438.
[243] *Ibid*, p. 471-72.

> using of thar baratry... ye have litill regard to our displesour and commoun weill in suffering of sic baratouris.[344]

This same 'displeasure' was expressed when letters of remission issued by the king were used to the detriment of justice. James held himself blameless because these remissions had been acquired by "sinister information" and somehow without his knowledge:

> and tharfor geif ye falze to advertis us eftirwart quhen sic thingis accuris, the wyte (weight) sall be imput to you and nocht to us, sen ye ken our mynd constant for justice... and geif ye admitt ony sic private writingis the damnage and scaith of party sall ly to your conscience and nocht to ouris.[345]

For the most part, however, the king, his council and parliament remained a cohesive body rarely involved in severe self-criticism or a divergence of policy.

Taken as a whole, the statutes passed in the parliaments of James V's personal reign reflected a definite policy that was visible from his very first parliament in 1528. The trend, which was pervasive in both parliament and council, derived from the king himself and was influenced strongly by the experience of his minority. These troubled years, which left the crown in a state of abject poverty, produced a state of affairs which the king would neither forget nor tolerate. Hence, he became obsessed with rebuilding royal revenue through whatever means were available.

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[344] *Ibid*, p. 481-82.
[345] *Ibid*, p. 449, 454.

Fortunately for James V the religious situation in England placed him in an unprecedented and highly advantageous position where he was able to extract favours from the papacy which, hitherto, would have been unheard of. In return for these favours parliamentary legislation reinforced the religious status quo.

In addition to exploiting the church, the king sought financial gain from the profits of justice. The legislation which endeavoured to re-organize law and order within the realm was not only an attempt to consolidate peace and refine the procedures of justice, but was also a means of contributing to the royal coffers. Thus, continual emphasis was placed upon the full payment of fines and the personal responsibility of a superior for his tenants. In spite of the king's genuine concern for equity his acquisitiveness was never far below the surface from his social policy.

Yet, this trait did not necessarily make James V unpopular. Parliament endorsed his attempts to re-build crown finances and the king, for his part, utilized those methods which were readily available. Parliamentary and council records indicate that James V was an energetic, hard-working and concerned king. Consequently, no protestations or complaints of a lazy or despotic monarch were heard in parliament; the three estates maintained the king's authority throughout his reign.

V. Chapter 4

The final phases of James V's reign saw the re-affirmation of the Auld Alliance through the king's two French marriage alliances, a pervasive and successful policy of enriching the crown further by persecuting anyone connected with the Douglases, and, finally, the deterioration of Anglo-Scottish relations.

From the beginning of his personal rule the king was set upon pursuing a French marriage alliance. By the end of 1534 proposals for marriage between James and Mary of Bourbon, daughter of the duke de Vendome were put forth not, however, without certain conditions. In addition to the 100,000 crowns offered by Francis I, James asked for an annual pension of 20,000 *livres* , the collar of St. Michael, the surrender of Dunbar (which was still in French hands under the duke of Albany), and the privileges enjoyed by Scots merchants at Dieppe to be extended to all the necessary ports in France. [246] Francis confirmed the marriage settlement in March 1536, sent James the order of St. Michael in April and, despite a short-lived proposal that James marry Margaret Erskine (one of his mistresses and mother of the future regent Moray), received the Scottish king in France in September.[247]

James did not, however, marry Mary of Bourbon but Francis's oft-refused daughter Madeleine. After years of prevarication claiming that Madeleine was too young, too ill

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[246] *Letters of James V* , p. 304.
[247] *Ibid*, p. 314-15, 318, 320, *St. P. V (iv)*, 290.

or too frail to marry, Francis gave her away on January 1, 1537 to the Scots king. The last clause of the treaty of Rouen was finally fulfilled albeit twenty years later. The king returned home to Scotland in May with his bride and reports of her frailty were not unfounded; she survived for two months in Scotland, dying on July 7, 1537.

James was determined to have yet another French bride and by January 1538 was betrothed to Mary of Lorraine, daughter of Claude, duke de Guise and widow of Louis d'Orleans, duke de Longueville. They were married by proxy May 18, 1538 and at St. Andrews after her arrival in June. Throughout both of his marriage negotiations it became clear that James was, for the most part, more interested in dowries than in brides.[3**] Even though Mary of Lorraine was not of a royal family, the death of her first husband left her a considerably well-endowed widow. This, of course, was a desirable asset.

After his return from France in 1537 James maintained his policy of keeping a watchful eye over the realm. He continued to travel widely and during the summer of 1540 he journeyed to the Isles. Accompanied by Cardinal David Beaton, the earls of Huntly and Arran, and a fleet of well-armed ships, the king sailed from Leith in May, continued up the east coast to Caithness and the Orkneys,

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[3**] James V did rather well financially by his marriages. Madeleine's dowry was 100,000 gold crowns of the sun in French currency and he also received 100,000 *livres* on his wedding day. Mary of Lorraine's dowry contributed 150,000 *livres* to the royal coffers. *Letters of James V* , p. 325, 340.

and thence down the west coast through the Outer Hebrides, Skye, "the mainland of Glenelg, Moidart, and Ardnamurchan; finally ending the voyage at Dumbarton, after visiting or passing Mull, Coll, Tiree, the coast of Argyll, Arran and Bute."[244] Several island chiefs were 'compelled' to obedience and remained in royal custody as hostages for the good and lawful behaviour of their dependents.

Such concerns of law and order were always an important aspect of James V's government. Yet his near-obsessive concern with money overshadowed much of his domestic policy. There is no doubt that the king was successful in his financial endeavours although some of the methods he used must have caused some resentment. Many of the lands which were annexed to the crown in 1540 and 1541 came into royal hands by forfeiture. The king's unrelenting hatred for the Douglas family and their kin became a convenient excuse to deprive, and sometimes cut short the life of, anyone who was becoming too powerful in influence or lands or who had been unfortunate enough to have been associated with Angus during his hegemony.

In 1536 John, master of Forbes, was accused of high treason by George, earl of Huntly. He was imprisoned in Edinburgh Castle, was tried before the Court of Justiciary

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[244]MacKenzie, *Highlands and Isles of Scotland*, p. 124. A contemporary account of this journey describing various physical and geographical details of the locations visited by the king is found in "The Navigation of King James V round Scotland, The Orkney Isles and the Hebrides, or Western Isles; under the conduct of that excellent Pilot Alexander Lindsay." Methodized by Nicholas d'Arville, in *Miscellanea Scotica Vol. III*, (Glasgow, 1820).

on July 14, 1537, was found guilty on all counts and died upon the scaffold three days later.[230] Traditional enmity between the Forbeses and the Gordons undoubtedly served as the motivation for Huntly's accusation and the fact that Forbes was married to a sister of Angus ensured that the king's ears would remain deaf to any entreaties or pleas of innocence. James was said to have repented of this execution and received Forbes's brother into court appointing him one of the gentlemen of his bedchamber in 1539.[231]

Other relations of Angus were just as unfortunate. Janet Douglas, lady Glamis, a sister of Angus, was persecuted from 1528 until she was finally executed in July 1537. In 1528 she was accused of aiding and abetting the earl and, as a result, her property was escheated in 1531. She was bound to appear on a charge of poisoning her first husband, John, lord Glamis, one year later but the jury refused to appear at the proceedings for what was seen as a shameful charge. In 1537 she, her second husband, Archibald Campbell of Skipnish, and her son were accused of a design to poison the king and for communicating with Angus. The information was supplied by a William Lyon who is variously referred to as a previous suitor for her hand or as a relative of the family.[232]

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[230] *Scots Peerage Vol. IV*, p. 54.
[231] *Ibid*, p. 54, Pitcairn, p. 183.
[232] "The Life and Death of King James the Fifth of Scotland...", in *Miscellanea Scotica Vol. IV*, (Glasgow, 1820), p. 135, *Dictionary of National Biography Vol. V*, (London, 1908), p. 1240.

Lady Glamis was found guilty and was condemned to be burned on the Castlehill of Edinburgh, where the sentence was carried out on the same day. Her husband, Campbell, died while trying to escape from Edinburgh Castle and her son remained in prison until after James V's death. She has generally been regarded as an innocent victim who died because of her name and its implications. (See Introduction)

Sir James Douglas of Drumlanrig was also under the suspicion of the king, probably due to his name, and was warded for two years in Edinburgh Castle. In 1541 he was convicted of lese-majesty, put to the horn and his goods escheated. He remained in hiding and fled to England until after the king's death.

The final political execution which took place during the reign was that of James Hamilton of Finnart. He was a natural son of James, first earl of Arran, and from 1526 received very frequent grants of land and acquired, by favour or purchase, very extensive estates. Finnart held several offices such as principal sewar to the king, captain of Dumbarton Castle, principal master of works to the king, crowner of the lower lands in Lanark and principal steward to the king. He remained in very high favour with the king until 1540 when he was accused of treason by a relative, another James Hamilton, the brother of Patrick Hamilton, a protestant martyr who had been burned for heresy in 1528.

The accusation was supposedly in revenge for Finnart's complicity in Patrick's death, although no traces appear in

the criminal records of Finnart's trial. His downfall was rapid and he was convicted on a visibly trumped-up charge of plotting with the Douglases against the king's life. Jenny Wormald's observation that Finnart had become enriched by royal favour "far beyond the point of safety"[253] is a valid one. After a summary trial Finnart was sentenced and forfeited on August 16, 1540. He was executed on the same day.

Once again vindictiveness and revenge by an outside party was utilized against personal enemies who, by reason of their unfortunate kinship to the Douglas family or an unprecedented accumulation of wealth and status, served to bring about their deaths. That these three victims were innocent of any crime is probable. The king's wrath against the family which had dared to imprison him, threaten his life and rule in his name was a pervasive element in his personality which was inescapable for anyone who fell under it.

James's suspicions were addressed towards other individuals although their fates were not quite as tragic. In September 1538 Adam Otterburn, the king's advocate, and James Colville of East Wemyss, comptroller, were deprived of office. Otterburn was warded in Dumbarton Castle[254] for four months and was liberated in February 1539 after Nicol Cairncross found caution for him of £1000 Scots.[255] James

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[253]Wormald, p. 12.
[254]*Diurnal*, p. 23.
[255]*ADC*, p. 479.

Colville, due to the fact that he had held office during Angus's rule, did not fare as well. He was accused of treason and abuse of his office whereupon he fled to England.

In July 1539 he returned to Scotland to submit to the king's will and paid £1000 to secure a remission. By August 1540 he was ordered to ward himself in Blackness Castle, which he refused, and fled, once more, to England where he died before the end of the year. The treason charges were revived, his goods were seized and a sentence of forfeiture was pronounced against him and his heirs in parliament, March 1541.[256] The barony of East Wemyss and other lands were annexed to the crown in this session.

James Douglas, third earl of Morton, again probably due to his name and the fact that he had no male issue, was pursued by the king who utilized various methods, such as warding during the winter season, to make the earl surrender his estates. The king was ultimately successful in his endeavours although there is little doubt that he aroused a bitter animosity from Morton. Walter Scott of Buccleuch, even though he had attempted to deliver the king from Angus's custody in 1526, fell under his sovereign's suspicion and remained in and out of ward for the rest of the king's lifetime.[257]

As a result of these actions James V has been accused of a rapacious greed for money and lands which he acquired

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[256] *APS, ii*, p. 370.
[257] *Scots Peerage Vol. II*, p. 229.

by exploiting not only the papacy but his own magnates as well. By the time of his death he held a vast amount of land as well as a substantially large personal fortune.[3'8] Although his methods may have been unpopular with those whom they were used against, James was only utilizing, to their utmost, powers already available to the crown. It cannot be denied that he was mean and vindictive especially towards anyone remotely connected with Angus and the Douglas kin, or that he utilized this hatred as convenient excuse to rid himself of 'over-mighty' subjects. Yet, his motivation was to increase the power of the crown, both financially and personally, and in this respect he was undoubtedly successful.

Nevertheless and somewhat contradictorily James has also been characterized as a monarch who relied too heavily upon his clerics for council and advice, the most influential of whom was David Beaton. Beaton, whose influence has been exaggerated by some authors had a more fruitful and positive relationship with the king than had his uncle James.(See Chapter 3, fn. 205)

From 1529, after his appointment as keeper of the privy seal[3'9] until the king's death in 1542, David Beaton was one of James V's principal advisors and on numerous occasions he was a commissioner and ambassador at the court of France. He

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[3'8]It was said to have been 300,000 *livres. R.S.S. Vol III*, 383.
[3'9]*R.S.S. Vol. II*, 4019.

was involved in both of the king's marriages as a commissioner and married the king to Mary of Lorraine at St. Andrews in 1538. In December 1538 Beaton was created Cardinal of St. Stephen in Monte Celio[260] as well as Cardinal of Scotland but, despite James V's numerous entreaties,[261] Paul III refused to endow Beaton with the authority of legate *a latere*. In 1539, after the death of James Beaton, David succeeded him as archbishop of St. Andrews.

Despite his duties as the king's ambassador, Beaton exerted a concentrated effort against heretics in Scotland. Persecutions, however, were never extreme in number. Patrick Hamilton, titular abbot of Ferne, was burned at St. Andrews in 1528 and it was not until six years later that two more men were hanged and burnt.[262] The policy of persecution increased in 1539 when inquisitions, under Beaton's guidance, were held at Edinburgh. Four ecclesiastics and one layman were condemned to death, and several others were sentenced to banishment. Another court of inquisition was set up at St. Andrews in 1540 where Sir John Borthwick was sentenced in his absence for heretical opinions and burnt in effigy, although there is no evidence of any further executions.

David Beaton, the principal instigator of these persecutions, has been given undue importance as an advisor

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[260] *Letters of James V*, p. 360.
[261] *Ibid*, p. 349, 377, 384, 386, 395, 405.
[262] *Diurnal*, p. 18-19.

to James V and as a churchman. His most ardent supporter, John Herkless, described him as the "guardian and protector of Scotland's liberty."[363] It was Beaton, according to Herkless, who kept the Reformation out of Scotland because he was the head of the national party which opposed Henry VIII and his intrigues against Scottish independence.[364] In Herkless's opinion the king of Scotland had virtually no will of his own and was guided solely by the clergy, headed, of course, by Beaton. When rumours were circulating in 1540 that James intended to expel all the clergy from state offices Herkless contends that:

> If James ever had such an intention, it was the intention of a man with the wish but without the power to act, - with the desire to exercise an authority which instead was exercised over him.[365]

This 'influence' is claimed to have prevented the king from despoiling the monasteries, and from meeting Henry VIII at York, thus pushing him into a quarrel with England which inevitably led to the rout of Solway Moss and his own death.

The limitations of this argument are obvious. The consistency of James's actions in the various spheres of government, legislative or otherwise, suggest that he was by no means a weak-willed king who could be shaped and moulded to serve the interests of those who had an ascendency over him. Rather, his decisions were, and remained, his own despite counsel to the contrary. James's vendetta against

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[363]John Herkless and R.K. Hannay. *The Archbishops of St. Andrews*. 4 Vols. (Edinburgh, 1910) *Vol. IV*, p. 2.
[364]John Herkless. *Cardinal Beaton: Priest and Politician*. (Edinburgh, 1891), p. 2.
[365]*Ibid*, p. 176.

the Douglases was a purely personal one but it remained a consistent element of his kingship throughout his majority. The lands he acquired through the forfeiture of various individuals, as a result of their Douglas 'connection', served to augment royal revenue and the king continued to employ this justification for the persecution of anyone who aroused his suspicions. There is little doubt that this policy originated from the king himself.

James's success in amassing more and more wealth to the crown was due not only to the profits obtained from the 'Douglas forfeitures' but also to a successful policy of exploiting the church. In this area, not even David Beaton was exempt. In April 1541, upon the instance of the king's advocate, the cardinal was to have his lands and goods distrained as part of his share of the great tax which he had, so far, failed to submit.[216] As a result, it seems unlikely that Beaton in any sense 'ruled' the council of James V, nor did he seem to have an ascendency over the mind of the king.[217] Like any other sixteenth-century king James V used clerics as some of his advisors, but the extent of their influence over his policy is highly questionable.

Similarly, the king was not led down an inevitable path to Solway Moss. Indeed, since the peace of 1534 Anglo-Scottish relations had remained amicable. Towards the

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[216] *ADC*, p. 503.
[217] These are attributes ascribed to Beaton by Margaret McArthur in the *Dictionary of National Biography Vol. II*,(London, 1908), p. 18.

end of James's reign, however, the cordiality (outwardly at least) between the two kings began to break down. Henry VIII's Scottish policy, as always, continued to stress a reconciliation with Angus[268] and from 1534 proposals for a meeting between the two sovereigns was advocated.[269] Although accepting Henry's offer of the order of St. George, the Garter, in July 1535,[270] James remained adamant against Angus and cool towards a meeting. Henry continued to press James into following his religious policy and launched a concerted effort to discredit David Beaton,[271] who he saw as England's greatest enemy.[272]

Problems upon the borders began to escalate after 1537 and both kings sought redress for various grievances. Henry VIII was faced with his own domestic problems throughout 1536-37, in the form of the Pilgrimage of Grace, and rumours that James was going to invade England on the rebels's behalf were circulating in May 1537.[273] Henry continued to pursue a meeting with James and sent him gifts of geldings and bows and arrows in December 1540 while requesting that James send back certain 'rebels', those religious refugees that had fled to Scotland after the rebellions of the

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[268] *St. P. V (iv)*, 266.
[269] *St. P. V (iv)*, 271, *Hamilton Papers: Letters and Papers Illustrating the Political Relations of Scotland in the Sixteenth Century. Vol. I, 1532-1543.* Edited by Joseph Bain, (Edinburgh, 1890). Hereafter cited as *H.P.* All citations refer to document number unless otherwise noted. 23.
[270] *St. P. V (iv)*, 283, *Letters of James V*, p. 297.
[271] *State Papers and Letters of Sir Ralph Sadler*, 2 Vols. Edited by Arthur Clifford, (Edinburgh, 1809), *Vol. I.* p. 5-7, *H.P.* 22, 26.
[272] *St. P. V (iv)*, 358.
[273] *St. P. V (iv)*, 219.

north.[274] James's refusal led to increasing suspicions in England so that Norfolk was despatched to the frontiers with artillery and munitions.[275] These fears were enhanced when rumours were being spread that James, on the insistance of France, was going to invade England.[276]

Henry, however, was determined to meet with the Scots king and set out at the end of June, 1541 when he finally arrived at York on September 18. He remained there for nine days only to find that his nephew had neglected to show up. It is highly doubtful that James was as eager as his uncle for this meeting, as the contemporary source, Robert Lindsay of Pitscottie, suggests, or that Henry came to York to make James duke of York, governor of England and guardian of the king's young son Edward.[277] Far from being prevented by "wickit bischopis" to "breik his promise to his onkill"[278] James hardly needed the advice of his council to dissuade him from a meeting on English soil.

It is difficult to determine if there were any other motives, aside from personal safety, for James's refusal to meet Henry VIII. That there was no outward preparation on James's part is evident from a letter of September 2, 1541 written by Sir Thomas Wharton to the English privy council where his 'espiall' observed that "there was no liklyhede of [James V] conmyng into Ingland nor preparing therefore that

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[274] *L&P, XVI*, 361, 612, *St. P. V (iv)*, 383.
[275] *L&P, XVI*, 449, 496, 497, 612.
[276] *L&P, XVI*, 650, 651, *St. P. V (iv)*, 372-74.
[277] Pitscottie, p. 385.
[278] *Ibid*, p. 383, 384.

cuth be perceyved."[279] James's concern with his personal security is more than understandable considering that only five months previously both of his sons[280] had died.[281] Without an heir to the throne it is unlikely that he would have risked crossing the border. Henry's motives were far from innocent when in December a further meeting was proposed and his privy council had to persuade him not to attempt to kidnap the Scottish king.[282]

The Scots were well-aware of Henry's 'displeasure' but they did not seek war. James's failure to meet Henry at York, however, unleashed the English king's wrath; instructions were sent to Norfolk to expel any Scots remaining in Northumberland.[283] James attempted to redress the breach by advocating peace throughout 1541-42, but his efforts were diminished when in August 1542 an English raiding party, under Sir Robert Bowes, crossed the border and was ambushed at Hadden Rig (about five miles north-east of Kelso) by a Scottish force under the earl of Huntly. James still, however, sought peace and sent ambassadors to York[284] while Henry ordered further preparations for war. The duke of Norfolk made forays into Scotland and burned Roxburgh, Kelso and other border towns during the remaining autumn months.

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[279] *H.P.* 85.
[280] James, born at St. Andrews in May 1540 and Arthur, born at Falkland in April 1541. Arthur died, on the same day as his brother, eight days after his birth.
[281] *St. P. V (iv)*, 380, *H.P.* 68.
[282] *St. P. V (iv)*, 390.
[283] *L&P, XVI*, 1202, 1205, 1207.
[284] *H.P.*, 174, 175, 181.

That the English king advocated war was clear in the terms of negotiation offered to the Scots in September 1542 which were by no means meant to further their amicability. The Scottish commissioners were to "capitulate and agree in writing"[285] that the peace was to be perpetual without the comprehension of France, James was to meet Henry in London before Christmas, all English prisoners were to be freed, frontier garrisons were to be dissolved, and all rebels, even churchmen, were to be returned to England.[286] James's ambassadors yielded on almost every point[287] even to the meeting between Henry and James but Henry was determined to fight the Scots.

Comprehending this state of affairs, James assembled an army and in late October marched towards the border. When they reached Fala Muir[288] the English force had already withdrawn [289] and, although James "was very desyrouse to be in Englond ... the Lordes wold not agree therunto, and upon this thei returned."[290] He became angry over his nobles' refusal to cross the border and blamed Huntly for their lack of enthusiasm.[291] Moray was made lieutenant in his stead while the king returned northward in an attempt to regroup.

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[285] *H.P.*, 189.
[286] *L&P, XVII*, 823.
[287] The Scots would not agree to release the English prisoners until after Henry dissolved his army, which he refused to do.
[288] A plain to the west of Soutra Hill at the western end of the Lammermoors; approximately twenty miles from the English border.
[289] *H.P.*, 226.
[290] *St. P. V (iv)*, 397.
[291] *L&P, XVII*, 1100.

Henry lost little time in justifying his hostilities towards Scotland by publishing, on November 5, a pamphlet entitled "A declaration conteynyng the just causes and consyderations of this present warre with the Scottis, wherin alsoo appereth the trewe and right title that the kinges most royall majesty hath to the Soverayntie of Scotland."[212] It laid out various grievances, albeit from an English viewpoint. Henry, it stated, was forced into war by James V who, having refused to deliver rebels or meet the English king at York, had broken his promise and had invaded England (although, in fact, as indicated above, the Scottish army had never done so). While Henry had just claim of suzeraignty over Scotland recognized by previous kings of Scotland, this war had not proceeded from any demand of superiority.[213]

On November 9, James appealed to Paul III asking him to use his influence with the Christian princes to send aid. The reasons for Henry's waging war were given: James V would not desert the Holy See nor join Henry in a war against France.[214] His pleas were, however, all to no avail.[215]

By November 21, the Scots had reassembled under the guidance of Moray, Lord Maxwell and Oliver Sinclair[216] and

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[212] *Ibid*, *XVII*, 1033.
[213] *Ibid*, 1033.
[214] *Letters of James V*. p. 444.
[215] As France was at war with both England and Spain at this time, the pope was undoubtedly far more concerned with remaining in the emperor's 'good graces' rather than supporting an ally of France.
[216] Sinclair, son of Sir Oliver Sinclair of Roslin, was a favourite of James V's and was a member of the king's household. He accompanied James on the king's trip to the

advanced to the frontier. The king remained with a force at Lochmaben[297] while the remainder, under Sinclair marched towards Carlisle only to be met by an English force at Solway Moss, under Sir Thomas Wharton, where the Scots were routed on November 24.[298] 1,200 prisoners were taken[299] and the fate of those retreating was just as disastrous; the inhabitants of Liddesdale slaughtered many of their fellow countrymen as they attempted to escape from the English.[300] The king, disappointed by the outcome, proceeded by way of Peebles to Edinburgh where he sat in council. On December 4, he brought Lord Maxwell's son and the lairds of Johnston and Buccleuch out of ward to make them captains of certain garrisons in the East and Middle Marches.[301] The king fell ill, however, around December 6; a daughter, Mary, was born the next day, and on December 14, at the age of thirty, James V died at Falkland.

Thus ended the reign of one of the most capable and energetic kings of Scotland. Throughout the remaining years of his personal rule James V exhibited a consistency of policy in both governmental and political affairs. Animosity towards the Douglas family, and those unfortunate enough to

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[297](cont'd) Isles in 1540 and had been made captain of Tantallon earlier that year in February.(*R.S.S. Vol II.*, 3512, 3410.) He received various gifts of land (*R.S.S. Vol. II*, 3585, 3830, 4266.) and in April 1541 was given the lands and lordship of Orkney and Shetland.(*R.S.S. Vol. II*, 3989.) He, with the afore-mentioned lords, served as one of the king's military advisors.

[297]*H.P.*, 247.

[298]*H.P.*, 240.

[299]*L&P, XVII*, 1142, *St. P. V (iv)*, 409.

[300]*H.P.*, 245.

[301]*H.P.*, 246, 251, 252.

have been associated with them, enabled the king to pursue his unrelenting search for ways to enrich the crown. This hatred of Angus and his kin served as a convenient excuse to financially persecute, and, in some instances, execute anyone who aroused the king's suspicions.

Royal revenue was also increased by the king's two French marriage alliances which, in turn, perpetuated Scotland's traditional ties with France. James V's foreign policy remained consistently pro-French throughout his reign. His relations with England, however, were less successful.

Although attempting to maintain peace with England, the later years of his reign saw a gradual degeneration of amicability between the two kingdoms. Henry VIII's continual harrassment and hostility towards Scotland ultimately pushed James V to war. The battle of Solway Moss was a military disaster for Scotland and one which left it unable to recuperate due to the death of the king and the beginning of yet another minority.

VI. Conclusion

Despite his somewhat tragic end, James V's relationships with his parliament and council render it difficult to accept the long-standing interpretation of his reign. The pervasive conclusion that he alienated his magnates is even more difficult to accept when the nature of Scottish kingship is examined. As previously discussed (See Chapter 2) barons, lords, earls and greater landed men were the monarch's representatives in the localities and therefore not only provided a link between court and country but were also responsible for maintaining royal authority within the realm. This symbiotic relationship depended upon cooperation between king and nobles; confrontation was in no-one's best interests. The rise of one family to unprecedented power was neither welcome nor acceptable. This was visible during James V's minority when Angus's usurpation of royal authority was challenged by two rebellions.

The king and his nobles had a mutual obligation to uphold the laws of the kingdom and, as such, were expected to enforce them regularly. A lazy king, such as James III, became unpopular and, as a result, parliament entreated him to ride about the country on justice ayres and put his kingdom in order. Rebellion, when it did surface, was the exception, not the rule.

James V's 'unpopularity' is difficult to assume if the above premiss is accepted. The records of parliament and

council reveal that he was an energetic and hard-working king. His numerous judicial and military expeditions throughout the country, and especially in the more remote areas of the Highlands and Islands, indicate that James was visibly and personally concerned with justice. The methods he used were severe but they produced effective results; Scotland, after 1534, remained peaceful until the last years of his personal rule.

Yet the standard interpretation concludes that this severity, coupled with a naturally suspicious disposition, led to his unpopularity and ultimate failure. James, however, utilized the methods available to the crown to their utmost extent. Border lords and highland chiefs were placed in ward as a means of ensuring cooperation and obedience from their dependents. It was neither an alien nor an oppressive measure. The forfeiture of the earldoms of Angus and Bothwell was supported by and passed in parliament. The king did not arbitrarily deprive his magnates of their status or power but often gave them some form of compensation. Thus, Archibald, earl of Argyll, did not receive the hereditary sheriffship of the Isles but he was appointed Justice-General of the entire kingdom, lieutenant of the north and of the border marches, and he accompanied the king to France in 1536 and to the Isles in 1540. Huntly was likewise maintained as the king's representative in the north.

Isolated individuals, rather than large groups, were singled out, often by a third party, and were subjected to the king's ruthless sense of justice. James Colville, Lady Glamis, the Master of Forbes, James Douglas of Drumlanrig and the earl of Morton had the misfortune of being connected, either by blood or through office, with Angus and the king's revenge against the Douglas family was implacable. James Hamilton of Finnart had no such connection although he too was a victim of revenge. Resentment, fear and indignation must have arisen but these sentiments remained particular to those who had been involved. There was no indication of "devisioun, debaitis and discordis... ymang our soverane lordis liegis barons and utheris" as there had been in the reign of James III. Nor was there any appeal in parliament that the nobility "suld gang in unite and concord."[302]

James V's interest in amassing more and more wealth to the crown has been cited as a further motive for the discontent he supposedly brewed in the nobility. That the king was concerned with rebuilding royal finances cannot be denied; that it became a near obsession is possible. Thus, parliament's emphasis upon the strict enforcement of justice was not only necessary to ensure and maintain peace within the kingdom, but was also important for its fiscal rewards. The king's concerted effort to fulfill his role as lawgiver and the source of equitable justice was neither selfless nor

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[302] *APS*, *II*, p. 165.

ungenuine. The monetary profits of justice were just as important as its pacific rewards.

James continued to employ procedures that were available and legitimate. Revocation was a customary procedure in Scots law which the king pressed to the letter, the consequences of which enriched the crown substantially. It was not entirely self-serving as many lords benefitted from the new property the crown acquired and parliament acknowledged the crown's efforts to enrich itself by passing an act of annexation in 1540.

Much of early crown revenue came from James's profoundly successful exploitation of Scotland's religious situation. It is difficult to assess whether or not James V's concern with the state of the church in Scotland was one of personal inclination or policy. While he remained a Catholic and refused to follow his uncle's advice and break with the pope, his Catholicism appeared, in some ways, to be whole-hearted only as long as he could continue to extract favours from the Roman Church. His exploitation of a somewhat unique situation is a point that requires little debate.

When Sir Ralph Sadler, on an embassy to the Scottish court in 1540, outlined the advantages gained by dissolving the monasteries, James V's attitude was summed up succinctly in his reply:

> What need I to take them to increase my livelihood, when I may have anything that I can require of them?... I am sure there is not an abbey in Scotland at this hour, but if we mister any thing, we may

> have of them whatsoever we will desire that they have; and so what needs us to spoil them?[303]

He would hardly give up a system where he could extract as much extraordinary revenue from the church as his uncle, all without jeopardizing his own status as a Catholic sovereign.

James, however, was not unaware of the abuses within the church and of certain churchmen. When Sadler protested the evilness of the clergy he noted the Scots king's reply:

> Oh, God forbid that if a few be not good, for them all the rest should be destroyed. Though some be not, quoth he, there be a great many good; and the good may be suffered, and the evil must be reformed; as ye shall hear that I shall help to see it redressed in Scotland, by God's grace, if I brook life.[304]

Although it may have been merely lip-service to ordain, in an act of parliament, "every kirk man in his awin degre to reforme thare selfis thair obedienciaris and kirkmen under thame"[305] it was, nonetheless, an act which was approved by a parliament made up of fifteen of the most influential clerics of the Catholic Church in Scotland. Threatened with censures from a king who was already successful in exploiting them and who had the power as well as the precedent to destroy them necessitated a degree of cooperation which might not have been so easily procured had it not been for their sovereign's unique position. Thus, James V was not only blackmailing the papacy but his own prelates as well. The opening statutes of the 1541

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[303] *State Papers and Letters of Sir Ralph Sadler, Vol. I.*, p. 30.
[304] *Ibid*, p. 31.
[305] *APS, ii*, p. 370.

parliament (see Chapter 3) were a compensation to Rome for privileges received and yet to be given, as well as an attempt or, more realistically, a threat to strive for some kind of internal clerical reform.

Yet another cited reason for the alienation of the magnates was the king's over-reliance upon his clerics for counsel. This pervading characterization of James V as an essentially weak-willed king who was unable to make a decision without first consulting David Beaton and the prelates lacks conviction. Parliamentary records and, even more substantially, royal letters to the council (see Chapter 3) indicate that James had very definite and consistent ideas about what his foreign and domestic policy was to be concerned with. Like most other European kings of his age, he undoubtedly relied upon churchmen and nobles alike for councillors but it remains extremely unlikely that a king of his determination and strength would allow himself to be utterly guided by an exclusive group of his subjects.

The prelates, of course, were said to have forced Scotland into a war with Henry VIII much against the advice of the nobility. The latter's revenge against a king whom they hated was a refusal to fight. Fala Muir was a failure, however, because of a 'Flodden complex' among the majority of the nobles rather than a hatred of the king. That previous battle in which not only the king but the archbishop of St. Andrews, two other bishops, three abbots, one dean, fourteen earls, about fourteen lords, three

highland chiefs and a great number of lairds, had died deterred James V's nobles from any desire to cross the border and risk another possible slaughter. As the English forces had already withdrawn the Scots no doubt saw little sense in invading and pursuing a retreating army. The fact that they had gathered at all indicates a majority of support for the king's campaign. If, as almost every account assumes, the magnates were so utterly discontented with the king it begs the question as to why they did not rebel against his authority while they had the opportunity, the means, and the precedent.[306] The assumption, therefore, is weak.

When the king regrouped another army three weeks later it was again a fear of Flodden which kept a substantial majority ~~of~~ the nobles neutral. Of the 1200 prisoners which were taken after the battle of Solway Moss only two earls and five barons were captured: the majority had remained at home. The battle itself was lost due to a lack of organization and confusion. Buchanan's assertion that the lords refused to fight and gave themselves up willingly is questionable. Contemporary evidence of the battle indicates that the Scots appeared uncertain what to do and, seeing their cause was lost, panicked and began to retreat.[307] The nobles' discontent over the appointment of Oliver Sinclair as commander is not apparent in any account of the

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[306]James III was defeated and assassinated by a coalition of nobles at the battle of Sauchieburn in 1488.
[307]*H.P.*, 240.

battle,[300] and if the king had been personally present at the scene the results might have been considerably different. Yet it was precisely that kind of action on the king's part which the majority of the magnates wished to avoid. Flodden was still too close at heart.

The loss of the battle and its circumstances undoubtedly disturbed and disappointed James V but it remains highly questionable whether or not it "broke his heart." Eleven days after Solway Moss the king was sitting in council at Edinburgh and proved to be just as capable as before of making decisions. He fell ill, however, on December 6 and never recovered. The illness was probably the result of a virus coupled with physical exhaustion. Despite the historical accounts, James exhibited evident physical symptoms of excessive vomiting and what was described as a great "laxe" as well as a greatly swollen body after his death.[301] Grief over the loss of battle is understandable but, as a cause of death, much less likely, especially when applied to a man who, from an early age, exhibited great strength and endurance of both mind and body.

Throughout his personal rule James V exhibited a consistent policy in the domestic and foreign affairs of Scotland. The disaster of Solway Moss was, perhaps, an unfitting end for a sovereign who, upon his death, left crown revenue at its highest and a kingdom relatively

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[300]For example, neither the *State Papers of Henry VIII* nor the *Hamilton Papers* make any reference to this.
[301]*H.P.*, 267.

peaceful.

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